

SEVENTY-SECOND DAY

(Monday, May 17, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Holland
Adkins	Hoskins
Alexander	Howard
Alsup	Huddleston
Amos	Hull
Baker	Hyder
Bates	Jackson
Beckworth	James
Bell	Johnson of Ellis
Blankenship	Johnson
Boethel	of Tarrant
Bond	Jones of Angelina
Boyer	Jones of Atascosa
Bradbury	Jones of Falls
Bradford	Jones of Wise
Bridgers	Keefe
Broadfoot	Keith
Brown	Kelt
Burton	Kenyon
Cagle	Kern
Callan	King
Carsow	Knetsch
Cathey	Langdon
Cauthorn	Lankford
Celaya	Lanning
Cleveland	Leath
Colquitt	Leonard
Davis of Jasper	Leyendecker
Davison of Fisher	Little
Davisson	Loggins
of Eastland	London
Deglandon	Lucas
Derden	Mann
Dickison	Mauritz
Dollins	Mays
England	McConnell
Felty	McCracken
Fielden	McDonald
Fox	McFarland
Fuchs	McKee
Gibson	McKinney
Graves	Metcalfe
Hamilton	Moffett
Hankamer	Monkhouse
Hanna	Morris
Hardin	Morse
Harper	Newton
Harrell	Nicholson
Harris of Archer	Oliver
Harris of Dallas	Palmer
Harris of Dickens	Patterson of Mills
Hartzog	Patterson
Heflin	of Travis
Herzik	Petsch

Pope	Smith of Hopkins
Powell	Smith
Prescott	of Matagorda
Quinn	Stevenson
Ragsdale	Stinson
Reader	Stocks
Reed of Bowie	Talbert
Reed of Dallas	Tarwater
Rhodes	Tennyson
Riddle	Thornberry
Roark	Thornton
Ross	Vale
Rutta	Waggoner
Schuenemann	Walker
Settle	Weldon
Sewell	Westbrook
Sharpe	Winfree
Shell	Wood
Simpson	Worley
Skaggs	

Absent

Dean	Smith of Tarrant
Harbin	

Absent—Excused

Davis of Haskell	Russell
Farmer	Tennant

A quorum was announced present.
Prayer was offered by Rev.
George W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Tennant for today and tomorrow, on motion of Mr. Bond.

Mr. Russell for today, on motion of Mr. Sharpe.

The following Members were granted leaves of absence on account of illness:

Mr. Davis of Haskell for today, on motion of Mr. Bell.

Mr. Farmer for this morning, on account of illness in family, on motion of Mr. Amos.

HOUSE BILLS ON FIRST READING

Mr. Moffett moved to introduce, at this time, and have placed on first reading, House Bill No. 1185.

The motion prevailed by the following vote:

Yeas—110

Adkins	Baker
Alexander	Bates
Alsup	Beckworth
Amos	Bell

Blankenship	Leath
Boethel	Leonard
Bond	Leyendecker
Boyer	Little
Bradbury	Loggins
Bradford	London
Bridgers	Lucas
Brown	Mann
Burton	Mauritz
Cagle	Mays
Carssow	McDonald
Cathey	McFarland
Cauthorn	Metcalfe
Celaya	Moffett
Cleveland	Monkhouse
Davis of Jasper	Morris
Davison of Fisher	Morse
Davisson	Newton
of Eastland	Oliver
Derden	Patterson of Mills
Dickison	Patterson
Dollins	of Travis
England	Quinn
Felty	Ragsdale
Fielden	Reader
Hamilton	Reed of Bowie
Hankamer	Reed of Dallas
Harbin	Rhodes
Harper	Riddle
Harrell	Roark
Harris of Archer	Rutta
Harris of Dallas	Schuenemann
Harris of Dickens	Settle
Heflin	Sharpe
Herzik	Shell
Hoskins	Simpson
Howard	Skaggs
Huddleston	Smith of Hopkins
Hull	Smith
Hyder	of Matagorda
Jackson	Stinson
James	Stocks
Johnson of Ellis	Talbert
Jones of Angelina	Tarwater
Jones of Atascosa	Tennyson
Jones of Falls	Thornberry
Jones of Wise	Thornton
Keith	Vale
Kelt	Walker
Kenyon	Westbrook
Kern	Winfree
King	Worley
Langdon	

Nays—10

Deglandon	Nicholson
Fuchs	Powell
Hardin	Ross
Knetsch	Waggoner
McKee	Wood

Present—Not Voting

McConnell

Absent

Broadfoot	Lankford
Callan	Lanning
Colquitt	McCracken
Dean	McKinney
Fox	Palmer
Gibson	Petsch
Graves	Pope
Hanna	Prescott
Hartzog	Sewell
Holland	Smith of Tarrant
Johnson	Stevenson
of Tarrant	Weldon
Keefe	

Absent—Excused

Davis of Haskell	Russell
Farmer	Tennant

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Moffett:

H. B. No. 1185, A bill to be entitled "An Act providing relief for the Sunset Rural Consolidated High School District, Knox County, Texas, in order to aid said school to rebuild a school building destroyed by fire; making an appropriation for said district, and declaring an emergency."

Referred to the Committee on Appropriations.

Mr. Thornberry moved to introduce, at this time, and have placed on first reading, House Bill No. 1186.

The motion prevailed by the following vote:

Yeas—121

Adkins	Celaya
Alexander	Cleveland
Alsup	Colquitt
Amos	Davis of Jasper
Baker	Davison of Fisher
Bates	Davisson
Beckworth	of Eastland
Bell	Deglandon
Blankenship	Derden
Boethel	Dickison
Bond	Dollins
Boyer	England
Bradbury	Felty
Bradford	Fielden
Bridgers	Fuchs
Brown	Hamilton
Burton	Hankamer
Cagle	Harbin
Callan	Hardin
Carssow	Harper
Cathey	Harrell
Cauthorn	Harris of Archer

Harris of Dallas	Morris
Heflin	Morse
Herzik	Newton
Hoskins	Nicholson
Howard	Oliver
Huddleston	Palmer
Hull	Patterson of Mills
Hyder	Patterson
Jackson	of Travis
James	Petsch
Johnson of Ellis	Powell
Johnson	Quinn
of Tarrant	Ragsdale
Jones of Angelina	Reader
Jones of Atascosa	Reed of Bowie
Jones of Falls	Reed of Dallas
Jones of Wise	Rhodes
Keefe	Riddle
Keith	Roark
Kelt	Ross
Kern	Rutta
King	Schuenemann
Knetsch	Settle
Langdon	Sharpe
Leath	Simpson
Leonard	Skaggs
Leyendecker	Smith of Hopkins
Little	Smith
Liggins	of Matagorda
London	Stinson
Lucas	Stocks
Mann	Talbert
Mauritz	Thornberry
Mays	Thornton
McConnell	Vale
McDonald	Waggoner
McFarland	Walker
McKee	Westbrook
Metcalfe	Winfree
Moffett	Wood
Monkhouse	
Absent	
Broadfoot	McCracken
Dean	McKinney
Fox	Pope
Gibson	Prescott
Graves	Sewell
Hanna	Shell
Harris of Dickens	Smith of Tarrant
Hartzog	Stevenson
Holland	Tarwater
Kenyon	Tennyson
Lankford	Weldon
Lanning	Worley
Absent—Excused	
Davis of Haskell	Russell
Farmer	Tennant

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Thornberry and Mr. Patterson of Travis:

H. B. No. 1186, A bill to be entitled "An Act granting unto the Municipal Authorities of the City of Austin, Texas, the right to establish, erect, operate and maintain a Public Municipal Auditorium and Fire Station upon the tract of land bounded on the North by Fifth Street, on the south by Fourth Street, on the east by Guadalupe Street and on the west by San Antonio Street in the City of Austin; and changing the designation upon the map of the City of Austin of said tract from Public Square to Public Municipal Auditorium and Fire Station Square so as to grant to the City of Austin for 99 years the said land for a Municipal Auditorium and Fire Station and retaining title in the State of Texas; and repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Public Lands and Buildings.

RELATIVE TO THE RESOLUTION PERIOD

Mr. Thornton moved that the House dispense with the consideration of resolutions, at this time.

The motion prevailed.

SENATE BILL NO. 138 ON PASSAGE TO THIRD READING

The Speaker laid before the House, as pending business, on its passage to third reading,

S. B. No. 138, A bill to be entitled "An Act making appropriations for the support and maintenance of the executive and administrative departments and agencies of the State government for the two-year period beginning September 1, 1937, and ending August 31, 1939, and for other purposes; and declaring it unlawful for persons employed in the several departments to engage in political campaigns relating to election or reelection of any candidate or candidates for the head of such department and any public office and prescribing procedure for removal of such employees; and making it unlawful to use any State-owned automobile in connection with any campaign relating to any measures in which the particular department by which the employee is employed is directly interested and/or in behalf

of the election or re-election of any person as the head of such department; and prescribing certain other regulations and restrictions in respect to the appropriations made herein, and declaring an emergency."

The bill having heretofore been read second time, with committee amendment No. 1, pending.

The House having agreed to consider the amendment department by department.

Mr. Stevenson offered the following amendment to the section of the committee amendment relative to the State Parks Board:

Amend committee amendment to Senate Bill No. 138, under the appropriation made for the support and maintenance to the Texas State Parks Board for the biennium ending August 31, 1938 and 1939, at page 111, of the printed bill, by inserting as a rider to said appropriation between lines 29 and 30 the following:

"There is hereby appropriated to the Texas State Parks Board out of the General Fund of the State of Texas, the sum of Seven Hundred Fifty Thousand (\$750,000.00) Dollars, or so much thereof as may be necessary, to be used by said Board for the purpose of purchasing, either by voluntary conveyance or through condemnation proceedings, land situated in what is known as the Big Bend State Park area in Brewster County, Texas, said area being designated as the Big Bend National Park, and defined in an Act of Congress, known as Public No. 157, passed by the Seventy-Fourth Congress of the United States, and which is approximately defined within the following metes and bounds:

Beginning on the international boundary line at a point on the Rio Grande River at latitude 29 degrees, 20 minutes and longitude 102 degrees, 53 minutes, thence on a line which bears N. 29 degrees 0 minutes W. a distance of 1.75 miles approximately to B. M. (3940), thence N. 49 degrees 0 minutes W. a distance of approximately 6.75 miles to B. M. on Sue Peaks, thence N. 18 degrees 0 minutes W. approximately 11.8 miles to an intersection with latitude 29 degrees 35 minutes and longitude 100 degrees 02½ minutes, thence N. 52 degrees 30 minutes, W. an approximate distance of 9.4 miles to a point which is latitude 29 degrees 40 min-

utes and longitude 103 degrees 10 minutes, thence due north on longitude 103 degrees 10 minutes a distance of ½ mile, thence due west a distance of ½ mile, thence due south ½ mile to latitude 29 deg. 40 min., thence S. 5 deg. 15 min. E. an approximate distance of 5.8 miles to a point which is latitude 29 deg. 35 min. and longitude 103 deg. 10 min., thence due south on longitude 103 deg. 10 min. to a point on said longitude line 2 miles south of latitude 29 deg. 30 min., thence S. 83 deg. 30 min. W. an approximate distance of 13.7 miles to B. M. (4405), thence S. 42 deg. 30 min. W. an approximate distance of 20.6 miles to B. M. (2316), thence N. 6 deg. 30 min. W. about 9½ miles to the international boundary line on the Rio Grande River, thence following the international boundary along the river in a general easterly direction to the point of beginning, containing approximately 800,000 acres.

Provided, however, in the event it should prove advantageous to the State of Texas in acquiring land within this area to include other and adjoining lands than that comprised within the foregoing boundaries, then it will be permissible under this appropriation to acquire such additional lands in such amounts provided the total amount purchased in said area does not exceed one million acres.

The Texas State Parks Board shall have the authority, out of this appropriation, to employ such assistants and employees as may be necessary from time to time for the accomplishments of the purposes of this appropriation. The members of the Texas State Parks Board shall not receive any compensation for their services in connection with the purchase of land in said Big Bend Park area, but shall be entitled to be reimbursed out of the appropriation for all necessary and actual travelling expenses incurred by them in carrying out the purposes of this appropriation. The Texas State Parks Board, in acquiring and purchasing lands within said park area from private owners, shall not pay a greater price than Two (\$2.00) Dollars per acre, exclusive of improvements thereon, provided this limitation shall not apply on lands acquired through condemnation proceedings. That all lands purchased shall be acquired in fee simple title without any reservation of any character whatsoever.

ever, except such mineral reservations as may be retained in favor of the State under the statutes governing the sale of Public Free School Land in this State. That where lands have been sold by the State of Texas for the benefit of Texas Public School Fund on the deferred payment plan and there are now outstanding balances due from the purchasers upon obligations executed for the purchase of said land, and as a part of the consideration therefor, the Board shall place a value on the purchaser's equity thereon and pay such purchaser or purchasers therefor not to exceed the amount of Two (\$2.00) Dollars per acre, exclusive of improvements thereon, and shall pay to the State of Texas through the Office of the Commissioner of the General Land Office, for the benefit of the Public Free School Fund, the amount of the unpaid balance due thereon.

The Texas State Parks Board is hereby authorized to purchase out of this appropriation any unsold Public Free School land situated within the boundaries of said park area as above set out, which said land is to be acquired in fee simple title, with such mineral reservation as is now authorized to be retained by the State under the statutes governing such sales. Said land, when so purchased, shall become a part of the Big Bend Park area, and shall be transferred and conveyed by the Commissioner of the General Land Office to the Texas State Parks Board as now provided by law for the sale of such lands. The Commissioner of the General Land Office of the State of Texas shall prepare a list of the unsold lands within said area now owned and held by the State of Texas for the benefit of the State Public Free School Fund within said park area, as above defined, and shall deliver a copy to the Texas State Parks Board, and shall offer said land for sale, as now provided by law, to the said Texas State Parks Board, all and any part of said land within said area so owned by the State.

Provided, the County Commissioners' Court of Brewster County in the year 1934 appointed an unofficial Board of Equalization composed of citizens of said County for the purpose of determining the valuation of lands in said county for ad valorem tax purpose and for the purpose of classifying said land for said purpose.

This Board after hearings and investigations for said purposes made a report to the Commissioners' Court of Brewster County in regard to such values and classification of said lands on or about December 13, 1934. The Texas State Parks Board shall consider the report made by said unofficial Board of Equalization of said County in determining the valuation of said lands and the limitation of Two (\$2.00) Dollars per acre fixed herein for the purchase of said land shall only apply to those lands which were classified by said county Board of Equalization in the lower brackets of valuation and shall not apply to lands in the higher brackets of valuation as fixed by said Board of Equalization. The report showed that approximately eighty-five (85%) per cent of said area was classified in the lower brackets of said area and approximately fifteen (15%) per cent of said area being classified in the higher brackets of valuation."

STEVENSON,
CAUTHORN,
BRADFORD,
JACKSON,
BRIDGERS,
MONKHOUSE,
HANKAMER,
SIMPSON,
REED of Dallas,
CLEVELAND,
DERDEN.

(Mr. Morse in the Chair.)

Mr. Roark asked unanimous consent of the House, that the following language be added to above amendment:

Amend the Stevenson, and Cauthorn amendment, by adding after the first paragraph on page three of the amendment:

"Provided further that under the provisions of this Act the Texas State Parks Board or any other agency of the State shall have no authority to convey to the Federal Government any of the mineral rights now vested in the State of Texas or which title may be in the State of Texas."

There was no objection offered, and it was so ordered.

Mr. Tennyson offered the following amendment to the amendment by Mr. Stevenson:

Amend Stevenson amendment, page 4, by adding after the word "State" at the end of the first paragraph the following:

"It is expressly provided however, the funds herein appropriated shall first be used for the purchase of land owned by private individuals, and after such amount of land as is necessary and desired for the establishment of said park is acquired, the remainder of said funds may be used to acquire school land adjacent to the land previously purchased."

The amendment was adopted.

Mr. Petsch offered the following amendment to the amendment by Mr. Stevenson:

Amend Stevenson amendment, by striking out the last paragraph.

The amendment was adopted.

Mr. Leonard offered the following amendment to the amendment by Mr. Stevenson:

Amend amendment to committee amendment to Senate Bill No. 138, by adding after the word "than" in line 4 on page 3, the words "an average of", and by inserting these words after the word "exceed" in line 18, and by striking out the word "the" after the word "exceed".

The amendment was adopted.

Mr. McConnell offered the following amendment to the amendment by Mr. Stevenson:

Amend the Cauthorn amendment, by adding after the first paragraph on page 2 thereof the following:

"From and after the passage of this Act it shall be the duty of the Commissioner of the General Land Office of Texas and others in any way or measure authorized to sell land, shall be prohibited from selling or offering for sale, excepting to the Texas State Park Board for the purpose of establishing the Big Bend National Park, any and all land within the area covered by the Cauthorn amendment, and belonging to the State of Texas or any unit of the State Government."

The amendment was adopted.

Mr. Petsch offered the following amendment to the amendment by Mr. Stevenson:

Amend Stevenson amendment, by adding an additional paragraph to read as follows:

"Provided that the venue of any condemnation proceeding shall be laid in the county seat nearest to the land which is sought to be condemned but it shall in no case be laid in the county wherein the land is situated."

The amendment was adopted.

Question then recurring on the amendment by Mr. Stevenson, as amended, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—84

Baker	Lanning
Blankenship	Leath
Boethel	Leonard
Boyer	Leyendecker
Bradford	Little
Bridgers	Loggins
Broadfoot	Mann
Cagle	Mauritz
Callan	Mays
Carssow	McConnell
Cathey	McCracken
Cauthorn	McKee
Celaya	McKinney
Cleveland	Metcalfe
Colquitt	Monkhouse
Davisson	Morse
of Eastland	Newton
Derden	Nicholson
Dickison	Patterson of Mills
Dollins	Patterson
Felty	of Travis
Gibson	Pope
Hamilton	Powell
Hankamer	Prescott
Hanna	Reader
Harper	Reed of Dallas
Harris of Archer	Roark
Harris of Dallas	Rutta
Heflin	Schuenemann
Holland	Settle
Hoskins	Sewell
Howard	Simpson
Hull	Skaggs
Hyder	Smith
Jackson	of Matagorda
James	Stevenson
Johnson	Stinson
of Tarrant	Stocks
Jones of Angelina	Talbert
Jones of Atascosa	Tarwater
Keith	Thornton
Kenyon	Vale
King	Waggoner
Langdon	Winfree

Nays—44

Adkins	Burton
Alsup	Davis of Jasper
Amos	Deglandon
Bates	Fielden
Beckworth	Fox
Bell	Fuchs
Bond	Graves
Bradbury	Hardin
Brown	Harrell

Harris of Dickens	Morris
Herzik	Oliver
Huddleston	Petsch
Johnson of Ellis	Reed of Bowie
Jones of Falls	Riddle
Jones of Wise	Sharpe
Keefe	Smith of Hopkins
Kelt	Tennyson
Kern	Walker
Lankford	Weldon
London	Westbrook
Lucas	Wood
Moffett	Worley

Absent

Alexander	Palmer
Davison of Fisher	Quinn
Dean	Ragsdale
England	Rhodes
Harbin	Ross
Hartzog	Shell
Knetsch	Smith of Tarrant
McDonald	Thornberry
McFarland	

Absent—Excused

Davis of Haskell	Russell
Farmer	Tennant

Mr. Stevenson moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Blankenship moved the previous question on this section of the committee amendment, relative to the State Parks Board, and the main question was ordered.

Mr. Blankenship moved to suspend the Rules for the purpose of making a motion to reconsider the vote by which the House agreed to consider the committee amendment department by department.

The motion to suspend the Rule was lost by the following vote:

Yeas—50

Adkins	Graves
Alexander	Hamilton
Alsup	Hankamer
Amos	Hardin
Bates	Harris of Archer
Blankenship	Harris of Dickens
Burton	Holland
Cagle	Howard
Cathey	Hull
Cleveland	Jackson
Davis of Jasper	Johnson
Deglandon	of Tarrant
Dollins	Jones of Falls
Fox	Keith

Kelt	Roark
Knetsch	Settle
Leonard	Skaggs
Leyendecker	Smith
McKinney	of Matagorda
Metcalfe	Stocks
Nicholson	Tennyson
Oliver	Thornberry
Petsch	Thornton
Powell	Vale
Reed of Dallas	Waggoner
Riddle	Walker

Nays—64

Baker	Leath
Bell	Loggins
Boethel	London
Bond	Lucas
Boyer	Mauritz
Bradbury	McConnell
Bradford	McKee
Brown	Moffett
Callan	Monkhouse
Carssow	Morris
Celaya	Newton
Colquitt	Palmer
Dickison	Patterson of Mills
Hanna	Patterson
Harbin	of Travis
Harper	Pope
Harrell	Prescott
Harris of Dallas	Quinn
Heflin	Reed of Bowie
Herzik	Rhodes
Hoskins	Ross
Huddleston	Rutta
James	Schuenemann
Johnson of Ellis	Sharpe
Jones of Angelina	Simpson
Jones of Atascosa	Smith of Hopkins
Jones of Wise	Stevenson
Kenyon	Talbert
Kern	Weldon
King	Winfree
Langdon	Wood
Lankford	Worley
Lanning	

Absent

Beckworth	Keefe
Bridgers	Little
Broadfoot	Mann
Cauthorn	Mays
Davison of Fisher	McCracken
Davisson	McDonald
of Eastland	McFarland
Dean	Morse
Derden	Ragsdale
England	Reader
Felty	Sewell
Fielden	Shell
Fuchs	Smith of Tarrant
Gibson	Stinson
Hartzog	Tarwater
Hyder	Westbrook

Absent—Excused

Davis of Haskell Russell
Farmer Tennant

Mr. Sewell moved to reconsider the vote by which the main question was ordered, on the section of the committee amendment relative to the State Parks Board.

Mr. Blankenship moved to table the motion to reconsider.

The motion to table was lost.

Question then recurring on the motion to reconsider, it prevailed.

Question then recurring on the motion for the main question on that section, it was lost.

Mr. Reed of Bowie offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 138, page 110, line 31, by changing the figures "\$4,000.00" to "\$3,600.00".

Mr. Sewell moved to table the amendment by Mr. Reed of Bowie.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—62

Baker	Jones of Wise
Bates	Keefe
Boethel	Kenyon
Boyer	Knetsch
Bradbury	Langdon
Bradford	Leath
Broadfoot	Leyendecker
Burton	Loggins
Callan	Lucas
Carssow	Mann
Cleveland	McCracken
Dickison	McFarland
England	McKinney
Felty	Metcalfe
Fox	Monkhouse
Hankamer	Morris
Hanna	Patterson
Harper	of Travis
Harris of Dallas	Pope
Harris of Dickens	Quinn
Hoskins	Reed of Dallas
Huddleston	Roark
Hull	Rutta
Hyder	Schuenemann
Jackson	Settle
James	Sewell
Johnson of Ellis	Shell
Johnson	Simpson
of Tarrant	Stocks
Jones of Atascosa	Talbert

Thornberry
Thornton

Vale
Worley

Nays—57

Adkins	King
Alsup	Lankford
Amos	Lanning
Beckworth	London
Bell	Mauritz
Blankenship	McConnell
Brown	McKee
Cagle	Moffett
Cathey	Newton
Davis of Jasper	Nicholson
Davison of Fisher	Oliver
Davisson	Patterson of Mills
of Eastland	Petsch
Deglandon	Powell
Derden	Prescott
Dollins	Reed of Bowie
Fielden	Rhodes
Fuchs	Ross
Graves	Sharpe
Hamilton	Smith of Hopkins
Hardin	Smith
Harrell	of Matagorda
Harris of Archer	Stevenson
Herzik	Tarwater
Holland	Waggoner
Jones of Angelina	Walker
Jones of Falls	Weldon
Keith	Westbrook
Kelt	Winfree
Kern	

Present—Not Voting

Bridgers

Absent

Alexander	Mays
Bond	McDonald
Cauthorn	Morse
Celaya	Palmer
Colquitt	Ragsdale
Dean	Reader
Gibson	Riddle
Harbin	Skaggs
Hartzog	Smith of Tarrant
Heflin	Stinson
Howard	Tennyson
Leonard	Wood
Little	

Absent—Excused

Davis of Haskell Russell
Farmer Tennant

Mr. Broadfoot offered the following amendment to this section of the committee amendment:

Amend committee amendment for Senate Bill No. 138, page 110, lines 32 and 33, by striking out the word "engineer" and figures "3,000.00", and

the word "architect" and the figures "\$2,100.00", and substituting in lieu therefor one line as follows: "Inspectors, 2 at \$2,700.00 per year, \$5,400.00 — \$5,400.00".

The amendment was adopted.

Mr. Broadfoot offered the following amendment to this section of the committee amendment:

Amend committee amendment for Senate Bill No. 138, page 110, amend lines 38 and 39, by striking out the words "Parks Supervisor and", and add a line between lines 39 and 40 as follows: "Maintenance Supervisor, \$2,400.00 — \$2,400.00".

Mr. Sewell moved to table the amendment by Mr. Broadfoot.

The motion to table was lost.

Question then recurring on the amendment by Mr. Broadfoot, it was adopted.

Mr. Morris moved the previous question on the section of committee amendment relative to the State Parks Board, and the main question was ordered.

Mr. Baker offered the following amendment to the section of the committee amendment relative to the Texas Prison System:

Amend Senate Bill No. 138, as amended, by adding a new section to be known as Section 87 on page 119 and which shall read as follows: "87. New Building on Central State Farm to replace Camp No. 1 and Camp No. 2, \$75,000.00."

BAKER,
HARRELL,
DERDEN.

Mr. Blankenship moved the previous question on this section of the committee amendment, relative to the Texas Prison System, and the motion was not seconded.

(Speaker in the Chair.)

Mr. Graves moved to table the amendment by Mr. Baker.

The motion to table was lost.

Question then recurring on the amendment by Mr. Baker, it was adopted.

Question—Shall committee amendment No. 1 be adopted?

MESSAGE FROM THE SENATE

Austin, Texas, May 17, 1937.
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has

adopted House Concurrent Resolution No. 134, Instructing the Enrolling Clerk of the House to make certain changes in the caption of House Bill No. 352.

Adopted House Concurrent Resolution No. 135, Authorizing corrections to House Bill No. 1135.

Adopted the conference committee report on Senate Bill No. 402 by the following vote: Yeas, 29; Nays, 0.

Adopted House Concurrent Resolution No. 131, Setting the date of adjournment of the Forty-fifth Legislature.

Has passed

H. B. No. 5, A bill to be entitled "An Act defining the term 'open saloon'; regulating the manufacture, and declaring an emergency." (With amendments.)

H. B. No. 1073, A bill to be entitled "An Act amending Article 5135, Revised Civil Statutes of Texas, 1925, and declaring an emergency." (With amendments.)

H. B. No. 1177, A bill to be entitled "An Act to amend Article 879g of the Penal Code of Texas by excluding Polk County, Texas, from the terms thereof, with respect to closed season on hunting, killing or taking wild bear, and declaring an emergency."

Adopted

H. C. R. No. 102, Commending the first Voters League of Texas.

H. C. R. No. 130, Authorizing the loan of certain highway equipment.

H. B. No. 76, A bill to be entitled "An Act amending Article 4667 of Title 76 of the Revised Civil Statutes of the State of Texas, 1925, and authorizing any citizen of the State of Texas to sue for injunction against bullfighting, in addition to the present authorization therefor by the Attorney General or any district or county attorney, and declaring an emergency."

H. B. No. 113, A bill to be entitled "An Act to provide for a local option election in counties having 10,000 or more cattle, sheep and goats rendered for taxation to determine whether or not the qualified voters of such county desires to authorize the levy, assessment and collection of an annual tax on cattle, sheep and goats; providing for the method of levying, assessing and collecting such annual tax; and further providing for the deposit of

the monies collected from such annual tax in a special fund to be known as 'The Domestic Livestock Protective Fund'; providing authority and requiring the Commissioner's Court of such county adopting the provisions of this Act to employ additional law enforcement officers, and fixing the compensation of such officers and the reports to be filed by them, and declaring an emergency."

H. B. No. 645, A bill to be entitled "An Act to better safeguard the health of the people of the State of Texas by making it unlawful to serve food in improperly cleaned or unsterilized dishes or utensils; and providing rules for cleaning and sterilizing dishes or utensils; and prohibiting the use of cracked or broken dishes and utensils and unlaundered napkins and unprotected napkins, straws and other articles commonly used in eating and drinking; . . . etc., and declaring an emergency."

H. B. No. 144, A bill to be entitled "An Act to correct malpractice in the building construction industry by safeguarding the public against the irresponsible practice of the profession of architecture, and declaring an emergency." (With amendments.)

H. B. No. 424, A bill to be entitled "An Act regulating Industrial Homework; defining certain terms, and declaring an emergency."

H. B. No. 561, A bill to be entitled "An Act to define and fix the limits and jurisdiction of the Nineteenth, Fifty-fourth and Seventy-fourth District Courts."

H. B. No. 572, A bill to be entitled "An Act amending Article 2544, R. C. S. of Texas, 1925, and declaring an emergency." (With amendments.)

H. B. No. 592, A bill to be entitled "An Act creating the Upper Red River Flood Control and Irrigation District, a conservation and reclamation district, to be a governmental agency, body politic, and corporate; prescribing and limiting the powers, rights, privileges, functions and liabilities of such District and prescribing the manner of their exercise, and providing the powers and duties of such District shall be subject to the continuing rights of supervision by the State through the State Board of Water Engineers, and the State Reclamation Engineer; making an appropriation; declaring the Act to be severable, and declaring an emergency." (With amendments.)

H. B. No. 705, A bill to be entitled "An Act providing for the jurisdiction of the County Court of Crosby County, conferring upon said Court civil and criminal jurisdiction and increasing the criminal and civil jurisdiction of said Court; conforming the jurisdiction of the District and Justice Courts of said County to such change; repealing all laws in conflict with this Act, and declaring an emergency."

H. B. No. 711, A bill to be entitled "An Act amending Article 7005, Revised Civil Statutes of Texas, 1925, and declaring an emergency." (With amendments.)

H. B. No. 873, A bill to be entitled "An Act making an emergency appropriation for the Leon River Conservation Project, and declaring an emergency."

H. B. No. 909, A bill to be entitled "An Act changing the name of the State Home for Dependent and Neglected Children to be hereafter known as Waco State Home, and creating an emergency."

H. B. No. 1025, A bill to be entitled "An Act providing relief of the Centerville Consolidated School District No. 42 of Trinity County, Texas, in order to aid said School District in repairing, rehabilitating and equipping its school building which was destroyed by fire on the 15th day of October, 1936; making an appropriation to said District for said property, and declaring an emergency."

H. B. No. 1050, A bill to be entitled "An Act providing relief for the Common and Independent School Districts of Sabine County, Texas, made necessary by reason of the fact that the Federal Government has purchased over 70% of the land in said County thereby taking off the tax rolls of such Districts a major portion of the taxable valuation; making an appropriation for said Districts in said County to enable them to continue their program of education, and declaring an emergency."

H. B. No. 1052, A bill to be entitled "An Act amending Section 13 of Chapter 42, page 49, Acts of the Regular Session of the Forty-third Legislature; amending said Section 13 of Chapter 42, with reference to salary to be paid the Judge of the County Court of Jefferson County at Law; repealing all laws, or parts of laws, in conflict herewith, and declaring an emergency."

H. B. No. 1120, A bill to be entitled "An Act fixing the salary of County Commissioners in all counties having an assessed valuation of not less than \$16,000,000.00 nor more than \$17,000,000.00, and containing a population of not less than 19,000 nor more than 19,900 according to the last Federal Census; repealing all laws in conflict herewith, and declaring an emergency." (With amendment.)

H. B. No. 1141, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits two counties or portions thereof one of which counties according to the latest Federal Census had a population of not fewer than fifteen thousand, one hundred and forty (15,140) and not more than fifteen thousand, one hundred and sixty (15,160) inhabitants, whether organized under General or Special Laws; repealing all laws in conflict herewith, both General and Special, and declaring an emergency."

H. B. No. 1164, A bill to be entitled "An Act validating, ratifying, approving and confirming bonds and other instruments or obligation heretofore issued by water control and improvement districts, water improvement districts, irrigation districts, conservation and reclamation districts, navigation districts, road districts, School districts, counties, cities, or incorporated towns of this State for public works projects, ratifying and validating the establishment and creation of such districts, cities and towns, and declaring an emergency."

H. B. No. 1174, A bill to be entitled "An Act making it lawful to catch fish with hooks, traps, seines, and nets in the waters of Red River in Fannin, Cooke, Grayson, Lamar, Red River and Bowie Counties, and declaring an emergency."

H. B. No. 1175, A bill to be entitled "An Act (Art. Granting easement to the United States in certain lands), and declaring an emergency." (With amendment.)

H. B. No. 1178, A bill to be entitled "An Act to provide for the creation of corporations for the purpose of dealing in, buying and selling, preparing for market and preserving and canning, fruits, fruit juices and vegetables produced in the United States and enumerating the power and authority of such corporations; providing for the creation of corporations

for the purpose of owning and operating aeroplanes and all other flying machines to be used in spraying orchards and crops with insecticides; providing for other rights and powers of such corporations, including the right to buy and sell insecticides and the right to acquire and maintain necessary starting and lighting grounds and fields and workshops; providing that this Act shall be cumulative of other Acts creating purposes for which corporations may be formed, and declaring an emergency."

The Senate has adopted .

S. C. R. No. 64, Granting the Trinity Portland Cement Co., permission to bring suit against the State.

S. C. R. No. 67, Granting Silas Gotcher, et al, permission to sue the State.

Has passed

S. B. No. 185, A bill to be entitled "An Act appropriating Five Million (\$5,000,000.00) Dollars per year, or so much thereof as may be necessary for the next biennium beginning September 1st, 1937, and ending August 31st, 1939, for the purpose of promoting public school interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within the State, and declaring an emergency."

S. B. No. 389, A bill to be entitled "An Act amending Article 198, Title 8, Revised Civil Statutes of 1925, and Article 1817, Title 39, Revised Civil Statutes of 1925, creating a new Supreme Judicial District and providing for the location of said Supreme Judicial District, and declaring an emergency."

S. B. No. 507, A bill to be entitled "An Act validating all ordinances of cities operating under the Home Rule amendment to the Constitution of this State, which have heretofore been published in accordance with the provisions of the charters of such home rule cities; providing for the publication of ordinances of such home rule cities; and declaring an emergency."

S. B. No. 516, A bill to be entitled "An Act providing relief for the Tenaha Independent School District, Shelby County, Texas, in order to aid said school to rebuild school building destroyed by fire, making an appropriation for said district, and declaring an emergency."

S. B. No. 122, A bill to be entitled "An Act regulating the number of hours women may be employed in Texas, and declaring an emergency."

S. B. No. 124, A bill to be entitled "An Act regulating the number of hours women may be employed in Texas; requiring employers to furnish suitable seats for female employees; providing for the posting of a sign relative to such seats; providing certain exceptions; repealing Articles 5168, 5169, 5170, 5171 and 5172 of the Revised Civil Statutes of the State of Texas, 1925, and declaring an emergency."

Respectfully,
BOB BARKER,
Secretary of the Senate.

RELATIVE TO LEAVES OF ABSENCE

Mr. Kenyon moved to reconsider the vote by which the motion made by himself, revoking all excuses, on last Friday afternoon, prevailed.

There was no objection offered, and it was so ordered.

SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 185, to the Committee on Appropriations.

Senate Bill No. 389, to the Committee on Judicial Districts.

Senate Bill No. 507, to the Committee on Municipal and Private Corporations.

Senate Bill No. 516, to the Committee on Appropriations.

Senate Bill No. 122, to the Committee on Labor.

Senate Bill No. 124, to the Committee on Labor.

MESSAGES FROM THE GOVERNOR

The Speaker laid before the House, and had read the following messages from the Governor:

Austin, Texas, May 17, 1937.

To the Members of the Forty-fifth Legislature:

I have today disapproved and vetoed Senate Bill No. 150 for the following reasons:

This bill appropriates \$3,847.95 to Clemons Leonard Bradley and Cecil

May Bradley Adams, the heirs of David Clinton Bradley, deceased. This appropriation is based on the judgment of the county court of Jack County, in which it is recited that the State Treasurer appeared as a defendant through the County Attorney of Jack County. The money in question escheated to the State more than twenty years ago.

The judgment of the Jack County court was rendered in September, 1935. Under Article 3287, Revised Civil Statutes, as amended and effective in 1934, which is the latest expression of the Legislature on the subject, a suit to recover escheated moneys must be filed in the district court of Travis County. It must be filed "within four years . . . and not thereafter."

It is true that in Section 2 of the bill payment is provided upon the filing with the Comptroller of a copy of the order of the court, under seal of the court, "as required by Articles 3287 and 3265." There is a conflict between these statutes, the latter giving the county court jurisdiction and fixing venue in the court where the estate was escheated, and the former, Article 3287, fixing venue in Travis County and providing that suit must be instituted within four years. However, Article 3287 was amended in 1934 and is the latest expression of the Legislature on the subject. Certainly it more adequately protects the interests of the State since it fixes the period within which the suit must be brought and requires the Attorney General to be notified. It is not sound public policy to permit appropriations for claims of this character after such a long lapse of time.

Since clearly on its face this claim is barred by limitation, I see no occasion for an appropriation to be made, even contingent on suit being brought in Travis County (which contingency is only inferential from the bill). There are far more important subjects than appropriating money on these old and, in my judgment, questionable claims.

The bill is accordingly vetoed and disapproved, and returned to the Senate, in which it originated.

Respectfully,
JAMES V. ALLRED,
Governor of Texas.

Austin, Texas, May 17, 1937.

To the Members of the Forty-fifth Legislature:

I am today disapproving and vetoing House Bill No. 277 appropriating \$8,000.00 for relief for the Old Glory Rural High Common School District No. 4 of Stonewall County in replacing buildings and equipment destroyed by a disastrous fire on December 13, 1936.

The objectives for this appropriation are highly commendable but I regret I cannot see fit to approve the bill. We simply are not able to do it.

It is my understanding that probably 25 or 30 other bills have been introduced, or will be introduced, for similar relief if this one is approved. The Treasury will not stand it. I think it is wrong in principle for the State to underwrite such losses as this. Each time we violate a principle we find ourselves obliged by the precedent to repeat it an hundredfold.

Upon investigation I find that this school district has insurance for \$15,000.00. This was the maximum insurance for which the bank in that community would lend money so that the school district could protect itself. As I understand it, the plan of the district is to secure aid from the Federal Government supplementing the \$15,000.00 insurance and \$8,000.00 it has hoped to secure from the State. It has been represented to me that without this \$8,000.00 they will be unable to get help from the Federal Government. I regret it if this is true.

But if the State is to thus encourage a lack of adequate insurance by school districts, we will be called upon time and time again in the future to make similar appropriations.

I need not remind you of the large deficit in the Treasury, of the emergency appropriations totaling over three and a half million dollars and of the fact that the general appropriations are being upped in both Houses over the last biennium; and of the fact that as yet not a single dime of revenue has been provided to meet the deficit and additional expenses, to say nothing of the other ventures we are taking in the field of social security.

For the reasons stated, the bill is respectfully disapproved and vetoed,

and returned to the House of Representatives in which it originated.

Respectfully,

JAMES V. ALLRED,
Governor of Texas.

Austin, Texas, May 17, 1937.

To the Members of the Forty-fifth Legislature:

I have today disapproved and vetoed House Bill No. 875, appropriating \$2,731.00 to the Leesville Common School District No. 28 in Gonzales County, and \$420.00 to the DeWitt Common School District No. 47.

My reasons for vetoing this bill are the same as those which prompted my veto today of House Bill No. 277. The purposes are highly commendable, but the State is not able to help. If we permit this appropriation to go through, there is no end to the number we will have to appropriate for in the future under similar conditions.

I regret to have to veto this worthy undertaking, but, as I see it, the State is in the same position as an individual. I know of a number of private worthy causes where I should like personally to give several hundred dollars to unfortunate individuals who have lost their homes and are destitute. I cannot make these personal contributions because I am in debt, and my income is limited. Out of that income I must live and pay my debts.

The State is in the same position. It is heavily in debt. Its income is limited. It must continue to function and retire its deficit. We cannot continue this government and meet its obligations without additional taxes, which have not as yet been provided, and at the same time pay off our debts and deficit.

For the reasons stated, the bill is respectfully disapproved and vetoed, and returned to the House of Representatives in which it originated.

Respectfully,

JAMES V. ALLRED,
Governor of Texas.

BILLS AND RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolution:

H. B. No. 1100, "An Act creating a special road law for Scurry County, Texas, providing that said County fund or refund indebtedness outstanding against its road and bridge fund as of March 31, 1937, including bonds, interest-bearing time warrants and scrip warrants by the issuance of funding or refunding bonds or warrants, either or both, setting forth the method of issuing same; . . . etc., and declaring an emergency."

H. B. No. 727, "An Act to amend Article 1055 of the Code of Criminal Procedure of Texas relating to the fees paid constables, and declaring an emergency."

H. B. No. 1103, "An Act amending Section 5 of Chapter 41, Special Laws of the Forty-fourth Legislature, Regular Session, same being House Bill No. 641, by providing that there shall be a closed season on fishing in the waters of Medina Lake in Bandera County, Texas, during the months of February, March and April of each year, and declaring an emergency."

H. B. No. 713, "An Act to provide liens for services rendered by persons, firms, and corporations with whom articles of wearing apparel and garments have been placed to be repaired, altered, dyed, cleaned or pressed, or laundered and authorizing the sale thereof to pay charges for such services, and for the disposition of proceeds of such sales, and declaring an emergency."

H. B. No. 1002, "An Act to fix salaries and compensation of County Commissioners in counties with a population of not less than 77,600 inhabitants nor more than 88,000 inhabitants according to the last Federal Census as same now exists or may hereafter exist, and/or having an assessed valuation of not less than \$40,000,001.00 nor more than \$50,000,000.00, according to the last approved tax rolls, as same now exists or may hereafter exist, and providing for the manner of payment of the salaries and the funds from which said salaries shall be paid; and repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 1081, "An Act making it unlawful to trap, snare, shoot, catch or kill any wild fox in Bell and Nacogdoches Counties for a period of two (2) years, providing a penalty, and declaring an emergency."

H. B. No. 105, "An Act requiring owners of real estate or other taxable

property in certain counties, or their agents or representatives in rendering same for ad valorem taxation to give the post office address of the owner or owners of said property at the time of such rendition; providing a penalty for failure to render such property in the manner herein prescribed, and declaring an emergency."

H. B. No. 1049, "An Act to amend Article 2687, Revised Civil Statutes of Texas, 1925, prescribing the time of meeting of the County Board of School Trustees: (a) in counties containing a population of not less than forty-eight thousand, five hundred and sixty (48,560) and not more than forty-eight thousand, six hundred and sixty-five (48,665) population, (b) in counties containing a population of not less than thirty thousand, and twenty (30,020) and not more than thirty thousand, one hundred and twenty-five (30,125) population, (c) in counties containing a population of not less than ten thousand, three hundred and seventy (10,370) and not more than ten thousand, four hundred and seventy-five (10,475) population, according to the last preceding Federal Census; providing for their compensation; providing the fund from which same shall be paid; providing this Act shall be cumulative of all existing laws on this subject but this Act shall apply where in conflict therewith, and declaring an emergency."

H. B. No. 132, "An Act amending Section 3 of Article 1108, Chapter 10, Title 28, Revised Civil Statutes of Texas, 1925, as amended by Chapter 207, page 496 of the General and Special Laws passed by the Regular Session of the Forty-fourth Legislature; . . . etc., and declaring an emergency."

H. B. No. 16, "An Act to add new sections to be known as Section 6-A, 8-A, 8-B, 8-C, 9-A, 9-B, 9-C, 16-A, 16-B, 16-C, 16-D, 19-A, 19-B, 19-C, 19-D, and 19-E to, and to amend Sections 1, 7, 11, 15 and 17 of Senate Bill No. 15, Chapter 466, page 1785, of the General and Special Laws passed by the Second Called Session of the Forty-fourth Legislature, of the State of Texas, which Act relates to the examination of applicants for operators or chauffeur's license; providing for certain exemptions; . . . etc., and declaring an emergency."

H. B. No. 982, "An Act amending Section 1 of Chapter 129, page 356, Acts of the Regular Session of the

Forty-fourth Legislature; repealing all laws, or parts of laws, in conflict herewith, and declaring an emergency."

H. C. R. No. 82, Granting Miss Loulie Gurley, et al, permission to sue the State.

RECESS

On motion of Mr. Reed of Dallas, the House, at 12:10 o'clock p. m., took recess until 2:00 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by the Speaker.

LEAVES OF ABSENCE GRANTED

(By unanimous consent)

Mr. Bradford was granted leave of absence for today and tomorrow, on account of important business, on motion of Mr. Vale.

Mr. Ragsdale was granted leave of absence for today and tomorrow, on account of important business, on motion of Mr. Jones of Angelina.

Mr. Brown was granted leave of absence for this afternoon, on account of important business, on motion of Mr. Shell.

Mr. Talbert was granted leave of absence for this afternoon, on account of important business, on motion of Mr. Broadfoot.

(Mr. Leonard in the Chair.)

CONCERNING ADJOURNMENT SINE DIE

Mr. Calvert offered the following resolution:

H. C. R. No. 139, Concerning adjournment sine die.

Whereas, On Thursday, May 13, the House adopted H. C. R. No. 131, fixing the date of sine die adjournment of the Regular Session of the Forty-fifth Legislature as Saturday, May 22; and

Whereas, On Saturday last the Senate concurred in such resolution by adopting the same, but there is considerable question as to whether such concurrence by the Senate was effective, inasmuch as the Senate did not concur within twenty-four hours of the adoption of such resolution by the House, and under the terms of such resolution the same was to be

null and void unless the Senate concurred within twenty-four hours; and

Whereas, The House of Representatives has not yet passed the Departmental Appropriation Bill, the Educational Appropriation Bill or the Rural Aid Appropriation Bill, each and all of which bills are highly controversial in the House of Representatives; and

Whereas, It will be necessary that all of said bills be sent to a conference committee for the adjustment of the differences that exist between the two Houses with reference thereto; and

Whereas, All of said bills as passed by the Senate and as now being considered by the House of Representatives represent a considerable increase over the appropriations of the past biennium making imperative the necessity for raising additional revenue for the financing of the State Government; and

Whereas, If the Regular Session of the Legislature is required to adjourn on May 22, insufficient time remains for considerate action by the House on the remaining appropriation bills and for the conference committees to adjust the differences between the two Houses with respect to the same and for the enactment of any revenue raising measures; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That House Concurrent Resolution No. 131, together with the date of sine die adjournment fixed therein, be and the same is hereby in all things repealed, annulled, set aside and declared void; and, be it further

Resolved by the House of Representatives, the Senate concurring, That the Regular Session of the Forty-fifth Legislature adjourn sine die at 12:00 o'clock, noon, Wednesday, May 26, 1937.

The resolution was read second time.

Mr. Davison of Fisher offered the following amendment to the resolution:

Amend House Concurrent Resolution No. 139, by striking out the following words and figures in the last line of the resolving clause: "12:00 o'clock, noon, Wednesday, May 26, 1937" and insert in lieu thereof the following words and figures: "12:00 o'clock midnight, Saturday, May 29, 1937."

Mr. Keith moved the previous question on the amendment and the resolution, and the main question was ordered.

Question first recurring on the amendment by Mr. Davison of Fisher, it was lost.

Question then recurring on the resolution by Mr. Calvert, yeas and nays were demanded.

The roll of the House was called and the vote announced as follows: Yeas, 67; Nays, 65.

A verification of the vote was requested.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted as follows:

Yeas—65

Mr. Speaker	Jones of Wise
Alsup	Keith
Amos	Kelt
Baker	Kern
Bates	King
Beckworth	Langdon
Bell	Lankford
Boethel	Leath
Bradbury	London
Bridgers	Lucas
Cathey	McConnell
Cauthorn	Metcalfe
Cleveland	Moffett
Colquitt	Morris
Davison of Fisher	Nicholson
Deglandon	Oliver
Derden	Palmer
Dickison	Patterson of Mills
England	Patterson
Felty	of Travis
Fuchs	Petsch
Graves	Pope
Hamilton	Quinn
Harbin	Riddle
Harrell	Roark
Harris of Dickens	Ross
Herzik	Simpson
Holland	Stocks
Hoskins	Tennyson
Huddleston	Thornberry
Hyder	Weldon
Johnson of Ellis	Westbrook
Jones of Angelina	Worley

Nays—66

Adkins	Carssow
Alexander	Celaya
Blankenship	Davis of Jasper
Bond	Davisson
Boyer	of Eastland
Burton	Dollins
Cagle	Farmer
Callan	Fielden

Gibson	McKee
Hankamer	McKinney
Hanna	Monkhouse
Hardin	Morse
Harper	Newton
Harris of Archer	Powell
Harris of Dallas	Prescott
Howard	Reed of Bowie
Hull	Reed of Dallas
Jackson	Rhodes
James	Rutta
Johnson	Schuenemann
of Tarrant	Settle
Jones of Atascosa	Sharpe
Kenyon	Skaggs
Knetsch	Smith of Hopkins
Lanning	Smith of Tarrant
Leyendecker	Stevenson
Little	Stinson
Loggins	Talbert
Mann	Tarwater
Mauritz	Thornton
Mays	Vale
McCracken	Waggoner
McDonald	Walker
McFarland	Winfree

Present—Not Voting

Fox	Smith
	of Matagorda

Absent

Broadfoot	Leonard
Dean	Reader
Hartzog	Sewell
Heflin	Shell
Jones of Falls	Wood
Keefe	

Absent—Excused

Bradford	Ragsdale
Brown	Russell
Davis of Haskell	Tennant

PAIRED

Mr. Smith of Matagorda (present), who would vote "nay", with Mr. Keefe (absent), who would vote "yea".

The Chair announced that the resolution was lost.

Mr. Alexander moved to reconsider the vote by which the resolution was lost, and asked to have the motion to reconsider spread on the Journal.

(Speaker in the Chair.)

SENATE BILL NO. 138 ON PAS-SAGE TO THIRD READING

The House resumed consideration of Senate Bill No. 138, the departmental appropriation bill, with committee amendment No. 1 pending.

The House having agreed to consider the bill, department by department, and having under consideration, at this time, the section of the committee amendment relative to the Texas Prison System.

Mr. McKinney offered the following amendment to this section of the committee amendment, relative to the Texas Prison System:

Amend committee amendment to Senate Bill No. 138, page 112, line 24, item 19, by changing the figures "\$2,000.00" in each column to read "\$2,400.00".

The amendment was lost.

Mr. Morris moved the previous question on this section of the committee amendment, relative to the Texas Prison System, and the main question was ordered.

Mr. McKinney moved to reconsider the vote by which the main question was ordered.

Mr. Hardin moved to table the motion to reconsider.

The motion to table was lost.

Question then recurring on the motion to reconsider the vote by which the main question was ordered, it prevailed.

Question then recurring on the motion for the main question, it was lost.

Mr. Harrell offered the following amendment to this section of the committee amendment:

Amend Senate Bill No. 138, page 112, line 40, by striking out the figures "\$3,300.00" and inserting the following: "\$3,600.00".

On motion of Mr. Hyder, the amendment was tabled.

Mr. McKinney offered the following amendment to this section of the committee amendment:

Amend committee amendment to Senate Bill No. 138, page 113, line 6, item 32, by changing the figures in both columns from "\$1,620.00" to "\$2,000.00".

The amendment was adopted.

Mr. Harrell offered the following amendment to this section of the committee amendment:

Amend Senate Bill No. 138, page 113, line 25, item 44, by striking out the figures "\$1,650.00" and adding in lieu thereof "\$1,800.00".

On motion of Mr. Hyder, the amendment was tabled.

Mr. Derden offered the following amendment to this section of the committee amendment:

Amend committee amendment to Senate Bill No. 138, by adding a new item under "Buildings and Improvements" on page 119, immediately following item 86, or any item that may be added by other amendments, to read as follows:

"To purchase 335 acres between Harlem and Central Farms, \$35,500.00 in the year ending August 1, 1938."

On motion of Mr. Hyder, the amendment was tabled.

Question—Shall committee amendment No. 1 be adopted?

HOUSE BILL NO. 5 WITH SENATE AMENDMENTS

Mr. Morse called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 5, A bill to be entitled "An Act defining the term 'open saloon'; regulating the manufacture, sale, importation, transportation and possession of alcoholic liquors; prescribing rules and regulations and the right of local option; providing for a system of permits; levying taxes; prescribing penalties for violations; repealing conflicting laws and parts of laws, and declaring an emergency."

The Speaker laid the bill before the House with the Senate amendments.

Mr. Morse moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two Houses on the bill.

Mr. Roark moved, as a substitute motion, that the House concur in Senate amendments to House Bill No. 5.

Mr. Mays moved to table the substitute motion by Mr. Roark.

The motion to table prevailed.

Question then recurring on the motion by Mr. Morse, it prevailed.

Mr. Prescott submitted the following motion:

"I move that the House instruct the House Conferees on House Bill No. 5 to strike from the bill that portion which forces the purchasing of a license for use of alcohol for the following purposes:

1. Scientific
2. Chemical

3. Medicinal
4. Industrial
5. Culinary."

Mr. Moffett offered the following amendment to the motion by Mr. Prescott:

Amend Prescott motion by striking out the words: "Purchasing of a license fee", and insert in lieu thereof, "Payment of a fee of not more than One Dollar".

The amendment was adopted.

Mr. Wood moved to table the motion by Mr. Prescott.

The motion to table was lost.

Question then recurring on the motion by Mr. Prescott, it prevailed.

Mr. Morse submitted the following motion:

I move that the conferees, on the part of the House of Representatives, appointed by the Speaker for conference with representatives of the Senate as to House Bill 5, be instructed by the House to apply to Article I of said measure and include in its report thereon an amendment substantially in the language which follows:

"Sec. 3. (a) The term 'open saloon' as used in this Act, means any place where any intoxicants whatever, manufactured in whole or in part by means of the process of distillation, are sold or offered for sale in broken or unsealed containers for beverage purposes, or any place where such liquors are sold or offered for sale for consumption on the premises where sold, or any place of business maintaining or providing facilities for or permitting the consumption thereon, of such liquors by any person, except where any such place of business shall be operated under a Dispenser's Permit as provided herein.

"(b) It shall be unlawful for any person, whether as principal, agent or employee, to operate or assist in operating, or to be directly or indirectly interested in the operation of any open saloon in this State.

"(c) It shall be unlawful for any person to whom a Wine and Beer Retailer's Permit or a Beer Retailer's License has been issued, or any officer, agent, servant or employee thereof to have in his possession on the licensed premises, any distilled spirits or any liquor containing alcohol in excess of fourteen per

centum (14%) by volume, or to permit the same to be consumed on such licensed premises; provided, however, that any person holding a Dispenser's Permit shall not thereby be disqualified from holding for operation on the same premises a Wine and Beer Retailer's Permit or a Beer Retailer's License.

"(d) Any person who violates any portion of this Section shall be guilty of a misdemeanor, and upon conviction shall be punished by fine of not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, or by imprisonment in the county jail for not more than one year. Any person who is twice convicted under the provisions of this Section shall for the second and all subsequent offenses be punished by fine of not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars and by confinement in the county jail for not less than thirty (30) days nor more than one (1) year."

And that in order to give effect to such amendment, the said measure be further amended to provide a Dispenser's Permit, which shall authorize the holder thereof:

"(a) Subject to the provisions of this Act, to purchase liquor from wholesalers and to dispense for consumption on the premises where sold malt or vinous liquors containing alcohol in excess of fourteen per centum (14%) by volume and distilled spirits when such distilled spirits have been diluted in such manner that the beverage dispensed does not contain alcohol in excess of thirty-three per centum (33%) by volume.

"(b) No Dispenser's Permit shall be issued in any county, justice precinct, or incorporated city or town where the voters thereof have not by local option election legalized the sale of liquor of the type that the holder of the Dispenser's Permit is hereby authorized to sell and dispense for consumption on the premises where sold.

"(c) No Dispenser's Permit shall be issued to any person whose principal business for any sixty (60) day period is the sale of diluted distilled spirits for consumption on the premises where sold. No such Permit shall be issued to any person other than a bona fide operator of a place where meals are served and sold.

The Board shall prescribe rules and regulations to enforce this provision and the burden of establishing compliance with this provision shall always be on the holder of the Permit. It shall be the duty of the holders of such Permits to make and keep records of their business and of their sales of diluted distilled spirits, under such Permit, in accordance with any rules or regulations which may be prescribed by the Board, and such records shall be subject to inspection by the Board or any of its authorized agents or representatives at any time.

"(d) It shall be sufficient cause for the Board or Administrator to refuse to grant any Dispenser's Permit when the Board or Administrator in its judgment has reason to believe that the applicant will conduct the business of selling alcoholic beverages in a manner contrary to law, or in any place or manner conducive to violation of the law, or likely to result in any jeopardy to the peace, morals, health or safety of the general public. In granting or refusing to grant any Dispenser's Permit, the Board in forming its conclusions shall give due and proper consideration to any recommendations made by the District or County Attorney, or the Sheriff of the County and the Mayor and Chief of Police of any incorporated city or town wherein the applicant proposes to conduct his business, and to any recommendations made by representatives of the Board.

"(e) The Board or its representative may at any time make inquiry into the business of a holder of a Dispenser's Permit, and unless it shall be shown by the Permittee that his sales of diluted distilled spirits on the premises covered by his Dispenser's Permit are not, in the course of any sixty (60) day period, exceeding in value the sales of food and other commodities, the Board or Administrator is hereby authorized after notice and hearing to cancel any such Permit.

"(f) The Board or Administrator shall have the power to suspend for a length of time not exceeding thirty (30) days any Dispenser's Permit upon ascertaining that any act constituting a breach of the peace has occurred upon the premises covered by such Permit or under the control of the holder thereof, and at the expiration of the date to which such permit has been suspended, the Board or Admin-

istrator shall cancel the Permit unless it shall have been shown to the satisfaction of the Board or Administrator that the act was beyond the control of the person holding the Permit and did not result from improper supervision by the permittee of the conduct of persons permitted by him to be on the licensed premises or premises under his control.

"(g) In addition to the qualifications set forth in this Section, applicants for Dispenser's Permits must meet all of the qualifications set out in Section 11, of Article I, of this Act.

"(h) The annual fee for a Dispenser's Permit shall be Five Hundred (\$500.00) Dollars."

And that in order that the privilege of operating under the Dispenser's License shall be accorded only after legalization by local option, said House Bill 5 shall be further amended to provide:

"Sec. 40. The Commissioner's Court upon its own motion may, or upon petition as herein provided shall, as provided in Section 32, order local option elections for the purpose of determining whether alcoholic beverages of the various types and alcoholic contents herein provided shall be legalized or prohibited.

"For the purpose of giving effect to the constitutional provision directing that the laws of this State shall contain provisions for voting to legalize or prohibit the sale of alcoholic beverages of various types and alcoholic content, it is hereby declared that such beverages are subject to classification and are hereby classified separately as follows:

"Type A.

"Beer. As defined in Article II of this Act.

"Type B.

"Malt and vinous liquors having an alcoholic content of more than four per centum (4%) by weight and not exceeding fourteen per centum (14%) by volume.

"Type C.

"Malt and vinous liquors and diluted distilled spirits having an alcoholic content of more than fourteen per centum (14%) by volume and not exceeding thirty-three per centum (33%) by volume.

"Type D.

"Malt and vinous liquors and dis-

tilled spirits having an alcoholic content exceeding thirty-three per centum (33%) by volume.

"In areas where any type or classification of alcoholic beverage is prohibited and the issue or issues submitted pertain to legalization of the sale of one or more such types or classifications, one or more of the following issues may be submitted:

"(a) 'For legalizing the sale of beer that does not contain alcohol in excess of four (4) per centum by weight', and 'Against legalizing the sale of beer that does not contain alcohol in excess of four (4) per centum by weight'.

"(b) 'For legalizing the sale of malt and vinous liquors that do not contain alcohol in excess of fourteen (14) per centum by volume', and 'Against legalizing the sale of malt and vinous liquors that do not contain alcohol in excess of fourteen (14) per centum by volume'.

"(c) 'For legalizing the sale of malt and vinous liquors having an alcoholic content in excess of fourteen (14) per centum by volume and diluted distilled spirits, which have been so diluted as to have an alcoholic content of not to exceed thirty-three (33) per centum by volume', and 'Against legalizing the sale of malt and vinous liquors having an alcoholic content in excess of fourteen (14) per centum by volume and diluted distilled spirits, which have been so diluted as to have an alcoholic content of not to exceed thirty-three (33) per centum by volume'.

"(d) 'For legalizing the sale of all liquors except diluted distilled spirits', and 'Against legalizing the sale of all liquors except diluted distilled spirits'.

"In areas where any type or classification of alcoholic beverage is lawful and the issue or issues submitted pertain to the prohibition of the sale of one or more such types or classifications, one or more of the following issues may be submitted:

"(a) 'For prohibiting the sale of all alcoholic beverages except beer', and 'Against prohibiting the sale of all alcoholic beverages except beer'.

"(b) 'For prohibiting the sale of all alcoholic beverages except malt and vinous liquors that do not contain alcohol in excess of fourteen (14) per centum by volume', and 'Against prohibiting the sale of all alcoholic beverages except malt and vinous liquors

that do not contain alcohol in excess of fourteen (14) per centum by volume'.

"(c) 'For prohibiting the sale of malt and vinous liquors having an alcoholic content in excess of fourteen (14) per centum by volume, and diluted distilled spirits which have been so diluted as to have an alcoholic content not to exceed thirty-three (33) per centum by volume', and 'Against prohibiting the sale of malt and vinous liquors having an alcoholic content in excess of fourteen (14) per centum by volume, and diluted distilled spirits which have been so diluted as to have an alcoholic content not to exceed thirty-three (33) per centum by volume'.

"(d) 'For prohibiting the sale of all alcoholic beverages', and 'Against prohibiting the sale of all alcoholic beverages'."

Mr. Jones of Wise raised a point of order, on consideration of the motion by Mr. Morse, on the ground that the motion seeks to instruct the conferees to include in the bill matter which is not in disagreement between the two Houses.

The Speaker sustained the point of order.

Mr. Morse moved to suspend the Rule, which prohibits the making of the above motion, for the purpose of making the said motion, at this time.

The motion to suspend the Rule was lost by the following vote:

Yeas—51

Baker	Jones of Falls
Bell	Kenyon
Boethel	Knetsch
Bridgers	Leonard
Carssow	Loggins
Cauthorn	Mann
Colquitt	Mays
Dickison	McCracken
Dollins	McKee
Felty	McKinney
Fuchs	Monkhouse
Hankamer	Morse
Hanna	Patterson
Hardin	of Travis
Harris of Dallas	Pope
Heflin	Prescott
Herzik	Quinn
Holland	Reader
Hoskins	Reed of Dallas
Howard	Schuenemann
Hyder	Settle
Jackson	Shell
Johnson	Simpson
of Tarrant	Smith of Tarrant

Stevenson
Stinson
Thornton

Waggoner
Winfree

Nays—84

Adkins	King
Alexander	Langdon
Alsup	Lankford
Amos	Lanning
Bates	Leath
Beckworth	Leyendecker
Blankenship	Little
Bond	London
Boyer	Lucas
Bradbury	Mauritz
Broadfoot	McConnell
Brown	McDonald
Burton	McFarland
Cagle	Metcalf
Callan	Moffett
Cleveland	Morris
Davis of Jasper	Newton
Davison of Fisher	Nicholson
Davison of Eastland	Oliver
Deglandon	Palmer
Derden	Patterson of Mills
England	Petsch
Farmer	Powell
Fielden	Reed of Bowie
Fox	Rhodes
Gibson	Riddle
Hamilton	Roark
Harbin	Ross
Harper	Sharpe
Harrell	Smith of Hopkins
Harris of Archer	Smith
Harris of Dickens	of Matagorda
Huddleston	Stocks
James	Talbert
Johnson of Ellis	Tarwater
Jones of Angelina	Tennyson
Jones of Atascosa	Thornberry
Jones of Wise	Vale
Keefe	Walker
Keith	Weldon
Kelt	Westbrook
Kern	Wood
	Worley

Absent

Cathey	Hull
Celaya	Rutta
Dean	Sewell
Graves	Skaggs
Hartzog	

Absent—Excused

Bradford	Russell
Davis of Haskell	Tennant
Ragsdale	

Mr. Thornton submitted the following motion:

"I move that the conferees, on the part of the House of Representatives,

appointed by the Speaker for conference with representatives of the Senate as to House Bill No. 5, be instructed by the House to apply to Article II of said measure and include in its report thereon an amendment substantially in the language which follows:

"Amend House Bill No. 5, pages 29 and 30, by striking out all of Section 3 (a) and substituting in lieu thereof the following:

"(a) Manufacturer's License: A Manufacturer's License shall authorize the holder thereof to manufacture or brew beer and to distribute and sell the same to others in original unbroken packages. Any person who was engaged as of April 1, 1937, within the State of Texas in the business of bottling or packing in containers for resale beer removed from barrels or other containers in which received from the manufacturer thereof whether such beer was manufactured within or without the State of Texas, shall for the purpose of this Act be deemed a manufacturer and shall be authorized to hold a Manufacturer's License as herein provided, which license shall authorize the holder thereof to continue the operation and use of any place of business so utilized as of April 1, 1937; provided, however, that no such licensee shall be authorized to bottle, can or pack the products of more than one manufacturer, and provided further that no person who was not so engaged as of April 1, 1937, shall be authorized by virtue of any license or otherwise to bottle, can or pack beer at any place except upon premises where such beer is fully manufactured and aged. Annual State fee shall be Five Hundred (\$500.00) Dollars."

Mr. Keefe raised a point of order, on consideration of the motion by Mr. Thornton, on the ground that the motion seeks to instruct the conferees to include in the bill matter which is not in disagreement between the two Houses.

The Speaker sustained the point of order.

Mr. Thornton moved to suspend the Rule, which prohibits the making of the above motion, for the purpose of making said motion, at this time.

The motion to suspend the Rule was lost by the following vote:

Yeas—48

Alexander	Alsup
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Baker	Mays
Boethel	McCracken
Bond	McKee
Bridgers	Moffett
Callan	Monkhouse
Carssow	Morse
Colquitt	Newton
Dickison	Patterson
Felty	of Travis
Fielden	Reader
Hankamer	Rhodes
Hardin	Schuenemann
Harris of Archer	Settle
Heflin	Shell
Herzik	Simpson
Hoskins	Smith
Howard	of Matagorda
Hyder	Stevenson
Jackson	Stinson
Jones of Falls	Stocks
Kenyon	Talbert
Knetsch	Tennyson
Leonard	Thornton
Mann	Waggoner

Nays—79

Adkins	Jones of Wise
Amos	Keefe
Bates	Keith
Beckworth	Kelt
Bel!	Kern
Blankenship	King
Boyer	Langdon
Bradbury	Lankford
Broadfoot	Lanning
Brown	Leyendecker
Burton	Little
Cagle	London
Cathey	Lucas
Cleveland	Mauritz
Davis of Jasper	McConnell
Davison of Fisher	McDonald
Davison	McFarland
of Eastland	Metcalf
Derden	Morris
Dollins	Nicholson
England	Oliver
Farmer	Palmer
Fox	Patterson of Mills
Gibson	Petsch
Hamilton	Powell
Hanna	Prescott
Harper	Quinn
Harrell	Reed of Bowie
Harris of Dallas	Reed of Dallas
Harris of Dickens	Riddle
Holland	Roark
Huddleston	Sharpe
James	Skaggs
Johnson of Ellis	Smith of Hopkins
Johnson	Smith of Tarrant
of Tarrant	Tarwater
Jones of Angelina	Thornberry
Jones of Atascosa	Vale

Weldon	Wood
Westbrook	Worley
Winfree	

Absent

Cauthorn	Leath
Celaya	Loggins
Dean	McKinney
Deglandon	Pope
Fuchs	Ross
Graves	Rutta
Harbin	Sewell
Hartzog	Walker
Hull	

Absent—Excused

Bradford	Russell
Davis of Haskell	Tennant
Ragsdale	

Mr. Keefe submitted the following motion:

"I move that conference committee on House Bill No. 5 be instructed to report back to House not later than 2:00 p. m., Thursday, May 20, 1937."

The motion prevailed.

HOUSE BILL NO. 711 WITH
SENATE AMENDMENTS

Mr. Davison of Fisher called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 711, A bill to be entitled "An Act amending Article 7005, Revised Civil Statutes of Texas, 1925, as amended by Acts, 1927, Fortieth Legislature, page 156, Chapter 105; Acts, 1931, Forty-second Legislature, page 755, Chapter 299; Acts, 1931, Forty-second Legislature, page 852, Chapter 360; Acts, 1933, Forty-third Legislature, page 14, Chapter 10; Acts, 1933, Forty-third Legislature, Special Law, page 59, Chapter 49; Acts, 1933, Forty-third Legislature, page 636, Chapter 213; and an Act amending Article 7008, Section 2, Revised Civil Statutes of Texas, 1925, as amended by Acts, 1931, Forty-second Legislature, First Called Session, page 73, Chapter 33, and declaring an emergency."

The Speaker laid the bill before the House with the Senate amendments.

On motion of Mr. Davison of Fisher, the House concurred in the Senate amendments by the following vote:

Yeas—129

Adkins	Alsup
Alexander	Amos

Baker	Langdon
Bates	Lankford
Beckworth	Lanning
Bell	Leath
Blankenship	Leonard
Boethel	Leyendecker
Bond	Little
Boyer	Loggins
Bradbury	London
Bridgers	Lucas
Broadfoot	Mann
Brown	Mauritz
Burton	Mays
Cagle	McConnell
Callan	McDonald
Carssow	McFarland
Cauthorn	McKee
Cleveland	McKinney
Colquitt	Metcalfe
Davis of Jasper	Moffett
Davison of Fisher	Monkhouse
Davison	Morris
of Eastland	Morse
Deglandon	Newton
Derden	Nicholson
Dickison	Patterson of Mills
Dollins	Patterson
England	of Travis
Farmer	Pope
Felty	Powell
Fielden	Prescott
Fox	Quinn
Gibson	Reader
Hamilton	Reed of Bowie
Hankamer	Reed of Dallas
Hanna	Rhodes
Harbin	Riddle
Harrell	Roark
Harris of Archer	Ross
Harris of Dallas	Schuenemann
Harris of Dickens	Settle
Hartzog	Sharpe
Heflin	Shell
Herzik	Simpson
Holland	Smith of Hopkins
Hoskins	Smith
Howard	of Matagorda
Huddleston	Smith of Tarrant
Hyder	Stevenson
Jackson	Stinson
James	Stocks
Johnson of Ellis	Talbert
Johnson	Tarwater
of Tarrant	Tennyson
Jones of Angelina	Thornberry
Jones of Atascosa	Thornton
Jones of Falls	Vale
Jones of Wise	Waggoner
Keefe	Walker
Keith	Weldon
Kelt	Westbrook
Kenyon	Winfree
Kern	Wood
King	Worley
Knetsch	

Absent

Cathey	McCracken
Celaya	Oliver
Dean	Palmer
Fuchs	Petsch
Graves	Rutta
Hardin	Sewell
Harper	Skaggs
Hull	

Absent—Excused

Bradford	Russell
Davis of Haskell	Tennant
Ragsdale	

APPOINTMENT OF CONFERENCE
COMMITTEE ON HOUSE
BILL NO. 1053

The Speaker announced the appointment of the following conference committee on House Bill No. 1053:

Messrs. Leonard, Pope, Celaya, Vale and Leyendecker.

HOUSE BILL NO. 1073 WITH
SENATE AMENDMENTS

Mr. Patterson of Travis called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 1073, A bill to be entitled "An Act amending Article 5135, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

The Speaker laid the bill before the House with the Senate amendments.

Mr. Patterson of Travis moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

AUTHORIZING THE ENROLLING
CLERK OF THE HOUSE TO
MAKE CERTAIN CORRECTION
IN HOUSE BILL NO. 113

Mr. Bradford offered the following resolution:

H. C. R. No. 140, Authorizing the Enrolling Clerk of the House to make certain correction in House Bill No. 113.

Whereas, House Bill No. 113 has passed the House and Senate; and

Whereas, An Engrossed Rider amends line 33, page 1, Section 1, but fails to amend lines 21 and 30, page 2, Section 1, and same should be amended to conform; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Enrolling Clerk of the House be instructed to strike out the words "two cents" in the above lines and insert in lieu thereof the words "one cent".

The resolution was read second time, and was adopted.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

S. B. No. 491, "An Act limiting the amount of money to be assessed against candidates for Congress in districts composed of one county, and declaring an emergency."

S. B. No. 402, "An Act to amend Chapter 184 of the Regular Session of the Forty-fourth Legislature creating the Texas National Guard Armory Board and defining its powers and duties, and declaring an emergency."

H. B. No. 873, "An Act making an emergency appropriation for the Leon River Conservation Project, and declaring an emergency."

H. B. No. 76, "An Act amending Article 4667 of Title 76 of the Revised Civil Statutes of the State of Texas, 1925, and authorizing any citizen of the State of Texas to sue for injunction against bullfighting, in addition to the present authorization therefor by the Attorney General or any district of county attorney, and declaring an emergency."

H. B. No. 1025, "An Act providing relief of the Centerville Consolidated School District No. 42 of Trinity County, Texas, in order to aid said School District in repairing, rehabilitating and equipping its school building which was destroyed by fire on the 15th day of October, 1936; making an appropriation to said District for said property, and declaring an emergency."

H. B. No. 1050, "An Act providing relief for the Common and Independent School Districts of Sabine County, Texas, made necessary by reason of the fact that the Federal Government has purchased over 70% of the land in said County thereby taking off the tax rolls of such Districts a major portion of the taxable valuation; making an appropriation for said Dis-

tricts in said County to enable them to continue their program of education, and declaring an emergency."

H. C. R. No. 134, Instructing the Enrolling Clerk of the House to amend the caption of House Bill No. 352.

H. C. R. No. 135, Instructing the Enrolling Clerk of the House to make certain correction in House Bill No. 1135.

H. C. R. No. 102, Commending the First Voters League of Texas.

H. C. R. No. 130, Authorizing the loan of certain highway equipment.

RECESS

On motion of Mr. Roark, the House, at 5:00 o'clock p. m., took recess until 7:30 o'clock p. m., today.

NIGHT SESSION

The House met at 7:30 o'clock p. m., and was called to order by the Speaker.

BILL ORDERED NOT PRINTED

(By unanimous consent)

On motion of Mr. Thornton, Senate Bill No. 185 was ordered not printed.

SENATE BILL NO. 138 ON PAS- SAGE TO THIRD READING

The House resumed consideration of pending business, same being Senate Bill No. 138, relative to departmental appropriations, with committee amendment No. 1, pending.

The House having agreed to consider the amendment, department by department, and having under consideration, at this time, the department relative to the Texas Prison System.

Mr. Brown moved a call of the House for the purpose of maintaining a quorum, pending consideration of Senate Bill No. 138, and the call was duly seconded.

Question recurring on the motion for the call of the House, yeas and nays were demanded.

The call of the House was ordered by the following vote:

Yeas—45

Amos	Burton
Beckworth	Cagle
Bell	Callan
Bradbury	Cauthorn
Brown	Cleveland

Pope	Monkhouse
Derden	Newton
Dickison	Quinn
Felty	Reader
Graves	Reed of Bowie
Hamilton	Rhodes
Hanna	Roark
Harper	Sharpe
Harris of Archer	Simpson
Hyder	Smith
Jones of Wise	of Matagorda
Keith	Stocks
Kern	Tarwater
Knetsch	Tennyson
London	Thornton
Mann	Weldon
Mauritz	Westbrook
Moffett	Winfree

Nays—13

Deglandon	Patterson
Harrell	of Travis
Hoskins	Reed of Dallas
Jones of Atascosa	Schuenemann
Kenyon	Sewell
Loggins	Shell
Mays	Thornberry

Absent

Adkins	Howard
Alexander	Huddleston
Alsup	Hull
Baker	Jackson
Bates	James
Blankenship	Johnson of Ellis
Boethel	Johnson
Bond	of Tarrant
Boyer	Jones of Angelina
Bridgers	Jones of Falls
Broadfoot	Keefe
Carssow	Kelt
Cathey	King
Celaya	Langdon
Colquitt	Lankford
Davis of Jasper	Lanning
Davison of Fisher	Leath
Davisson	Leonard
of Eastland	Leyendecker
Dean	Little
Dollins	Lucas
England	McConnell
Farmer	McCracken
Fielden	McDonald
Fox	McFarland
Fuchs	McKee
Gibson	McKinney
Hankamer	Metcalf
Harbin	Morris
Hardin	Morse
Harris of Dallas	Nicholson
Harris of Dickens	Oliver
Hartzog	Palmer
Herzik	Patterson of Mills
Holland	Petsch

Powell	Smith of Tarrant
Prescott	Stevenson
Riddle	Stinson
Ross	Vale
Rutta	Waggoner
Settle	Walker
Skaggs	Wood
Smith of Hopkins	Worley

Absent—Excused

Bradford	Russell
Davis of Haskell	Talbert
Heflin	Tennant
Ragsdale	

Mr. Keith moved to reconsider the vote by which the call of the House was ordered, and to table the motion to reconsider.

The motion to table prevailed.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Hoskins
Adkins	Hull
Alexander	Hyder
Alsup	James
Amos	Johnson of Ellis
Bates	Johnson
Beckworth	of Tarrant
Bell	Jones of Angelina
Blankenship	Jones of Atascosa
Bradbury	Jones of Falls
Bridgers	Jones of Wise
Brown	Keith
Burton	Kelt
Cagle	Kenyon
Callan	Kern
Cauthorn	King
Cleveland	Knetsch
Colquitt	Langdon
Davison of Fisher	Lankford
Davisson	Leyendecker
of Eastland	Little
Deglandon	Loggins
Derden	London
Dickison	Lucas
Felty	Mann
Fielden	Mauritz
Gibson	Mays
Graves	McConnell
Hamilton	McDonald
Hankamer	McKinney
Hanna	Metcalf
Harbin	Moffett
Harper	Monkhouse
Harrell	Morris
Harris of Archer	Newton
Harris of Dallas	Palmer
Harris of Dickens	Patterson
Hartzog	of Travis
Herzik	Pope
Holland	Powell

Prescott	Smith of Tarrant
Quinn	Stinson
Reader	Stocks
Reed of Bowie	Talbert
Reed of Dallas	Tarwater
Rhodes	Tennyson
Roark	Thornberry
Rutta	Thornton
Schuenemann	Waggoner
Sewell	Walker
Sharpe	Weldon
Shell	Winfree
Simpson	Wood
Smith of Hopkins	Worley
Smith of Matagorda	

Absent

Baker	Keefe
Boethel	Lanning
Bond	Leath
Boyer	Leonard
Broadfoot	McCracken
Carssow	McFarland
Cathey	McKee
Celaya	Morse
Davis of Jasper	Nicholson
Dean	Oliver
Dollins	Patterson of Mills
England	Petsch
Farmer	Riddle
Fox	Ross
Fuchs	Settle
Hardin	Skaggs
Howard	Stevenson
Huddleston	Vale
Jackson	Westbrook

Absent—Excused

Bradford	Ragsdale
Davis of Haskell	Russell
Heflin	Tennant

The Speaker announced that there was a quorum present.

Mr. Mauritz offered the following amendment to the section of the committee amendment relative to the Texas Prison System:

Amend amendment No. 1 to Senate Bill No. 138, between lines 24 and 25 on page 119, by inserting the following:

"No funds appropriated shall be used for purchasing of any lands unless all minerals on said lands are acquired."

The amendment was adopted.

Mr. Hartzog moved the previous question on this section of the committee amendment, relative to the Texas Prison System, and the main question was ordered.

Mr. McKinney moved to reconsider the vote by which the main question was ordered on the above department.

The motion to reconsider prevailed.

Question then recurring on the motion for the main question, it was lost.

Mr. McKinney offered the following amendment to this section of the committee amendment:

Amend committee amendment to Senate Bill No. 138, page 114, line 14, by changing the figures "\$90.00" to "\$100.00".

The amendment was adopted.

Mr. McKinney offered the following amendment to this section of the committee amendment:

Amend committee amendment to Senate Bill No. 138, page 114, line 15, by changing the figures "\$85.00" to "\$90.00"; and, in line 16, by changing the figures "\$90.00" to "\$100.00".

On motion of Mr. Hyder, the amendment was tabled.

Mr. McKinney offered the following amendment to this section of the committee amendment:

Amend committee amendment to Senate Bill No. 138, page 114, line 18, by changing the figures "\$80.00" to "\$90.00", and in line 19, by changing the figures "\$90.00" to "\$100.00".

The amendment was adopted.

Mr. McKinney offered the following amendment to this section of the committee amendment:

Amend committee amendment to Senate Bill No. 138, page 114, line 20, item 54, by changing the figures "\$80.00" to "\$85.00" and correcting the totals in each column to correspond therewith.

On motion of Mr. Hyder, the amendment was tabled.

Mr. Harrell offered the following amendment to this section of the committee amendment:

Amend Senate Bill No. 138, page 114, line 20, item 54, by adding the following: "No picket man shall work more than eight (8) hours a day."

The amendment was adopted.

Mr. McKinney offered the following amendment to this section of the committee amendment:

Amend committee amendment to Senate Bill No. 138, page 114, line 36, item 60, by changing the figures "\$6,000.00" in each column to read "\$8,000.00" in each column.

On motion of Mr. Hyder, the amendment was tabled.

Mr. Derden offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 138, by moving the figures "\$25,000.00" in line 18, page 119 from the right hand column to the left hand column, so as to make said sum available in the year ending August 31, 1938.

The amendment was adopted.

Mr. Derden offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 138, by moving the figures "\$10,000.00" in line 23, page 119, from the right hand column into the left hand column, making the sum available in the year ending August 31, 1938.

Mr. Derden offered the following amendment to the above amendment:

Amend Derden amendment to committee amendment No. 1 to Senate Bill No. 138, by substituting in lieu thereof the following:

Change the figures "\$8,000.00" in line 21, page 119, and the figures "\$10,000.00" in line 23, from the right hand column to the left hand column.

The amendment to the amendment was adopted.

Question then recurring on the amendment, as amended, it was adopted.

Mr. Derden offered the following amendment to this section of the committee amendment:

Amend committee amendment to Senate Bill No. 138, by adding a new item under "Buildings and Improvements" on page 119, immediately following item 86, to read as follows:

"87. To purchase 231 acres at Huntsville for a dairy—\$13,860.00, in the year ending August 1, 1938."

On motion of Mr. Hyder, the amendment was tabled.

Mr. Mann offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 138, page 113, line 8, item 34, by striking out the figures "\$1,200.00" and substituting therefor "\$1,350.00".

The amendment was adopted.

Mr. Mann offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 138, page 113, line 12, item 38, by striking out the figures "\$1,680.00" and substituting therefor, "\$1,800.00".

On motion of Mr. Hyder, the amendment was tabled.

(Mr. Metcalfe in the Chair.)

Mr. Palmer offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 138, page 112, line 23, item 18, by striking out the figures "\$2,400.00" and substitute therefor "\$3,000.00".

On motion of Mr. Fielden, the amendment was tabled.

Mr. Reed of Bowie moved the previous question on this section of the committee amendment, relative to the Texas Prison System, and the main question was ordered.

Mr. Hardin moved to reconsider the vote by which the main question was ordered, and to table the motion to reconsider.

The motion to table was lost.

Question then recurring on the motion to reconsider, yeas and nays were demanded.

The motion to reconsider prevailed by the following vote:

Yeas—55

Alsup	Johnson
Baker	of Tarrant
Boyer	Jones of Atascosa
Burton	Jones of Falls
Callan	Jones of Wise
Carsow	Kelt
Cauthorn	Kenyon
Davison of Fisher	King
Derden	Lanning
Dickison	Leath
Felty	Leyendecker
Hankamer	Loggins
Harbin	Lucas
Harper	Mann
Harrell	Mauritz
Harris of Dallas	Mays
Hartzog	McConnell
Hoskins	Monkhouse
Howard	Morse
Hyder	Newton
Jackson	Palmer
Johnson of Ellis	Rhodes

Roark
Rutta
Schuenemann
Settle
Sharpe
Shell

Simpson
Stinson
Stocks
Walker
Weldon
Winfree

Nays—45

Adkins	Lankford
Amos	London
Blankenship	McDonald
Bond	Moffett
Bradbury	Morris
Brown	Nicholson
Cathey	Oliver
Cleveland	Patterson of Mills
Davisson	Patterson
of Eastland	of Travis
Deglandon	Petsch
England	Powell
Fielden	Prescott
Fox	Reed of Bowie
Fuchs	Skaggs
Hamilton	Smith of Hopkins
Hardin	Smith
Harris of Dickens	of Matagorda
Holland	Smith of Tarrant
Huddleston	Tarwater
James	Tennyson
Jones of Angelina	Thornberry
Keefe	Vale
Langdon	Westbrook

Present—Not Voting

Metcalfe

Absent

Alexander	Kern
Bates	Knetsch
Beckworth	Leonard
Bell	Little
Boethel	McCracken
Bridgers	McFarland
Broadfoot	McKee
Cagle	McKinney
Celaya	Pope
Colquitt	Quinn
Davis of Jasper	Reader
Dean	Reed of Dallas
Dollins	Riddle
Farmer	Ross
Gibson	Sewell
Graves	Stevenson
Hanna	Thornton
Harris of Archer	Waggoner
Herzik	Wood
Hull	Worley
Keith	

Absent—Excused

Bradford	Russell
Davis of Haskell	Talbert
Heflin	Tennant
Ragsdale	

Question then recurring on the motion for the main question, it was lost.

Mr. Johnson of Ellis moved to suspend the Rule, relative to the making of motions to table, for the purpose of making a motion to reconsider the vote by which the call of the House was ordered.

The motion was lost.

Mr. Roark offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 138, page 113, line 7, item 33, by striking out the figures "\$1,260.00" and substituting therefor, "\$1,500.00".

On motion of Mr. Hyder, the amendment was tabled.

Mr. Roark offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 138, page 113, line 13, item 39, by striking out the figures "\$1,800.00" and substituting therefor, "\$2,400.00".

On motion of Mr. Hyder, the amendment was tabled.

Mr. Ragsdale offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 138, page 113, line 9, item 35, by striking out the figures "\$1,080.00" and substituting therefor, "\$1,200.00".

The amendment was adopted.

Mr. Ragsdale offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 138, page 113, line 10, item 36, by striking out the figures "\$1,080.00" and substituting therefor, "\$1,200.00".

The amendment was adopted.

Mr. Ragsdale offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 138, page 113, line 11, item 37, by striking out the figures "\$1,080.00" and substituting therefor, "\$1,200.00".

The amendment was adopted.

Mr. McKinney offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1

to Senate Bill No. 138, page 113, by adding a new section to be numbered 34a and to read as follows:

"Head teacher, \$1,200.00 for year ending August 31, 1938; \$1,200.00 for year ending August 31, 1939."

The amendment was adopted.

Mr. McKinney offered the following amendment to this section of the committee amendment:

Amend committee amendment number 1 to Senate Bill No. 138, page 113, item 41, to read as follows: "Two superintendents of construction", and change the figures in each column to read "\$4,200.00" instead of "\$2,000.00".

On motion of Mr. Hyder, the amendment was tabled.

Mr. McKinney offered the following amendment to this section of the committee amendment:

Amend committee amendment number 1 to Senate Bill No. 138, page 113, by adding a new section to be numbered 34b, and to read as follows:

"Night yard man, \$1,200.00 for each year."

The amendment was adopted.

Mr. Derden offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 138, page 112, line 8, by adding after the word "cashier" the words "with house, water, lights and fuel", and change the figures "\$2,750.00" in both columns to "\$3,000.00".

DERDEN,
HARRELL.

On motion of Mr. Hyder, the amendment was tabled.

Mr. McKinney offered the following amendment to this section of the committee amendment:

Amend committee amendment number 1 to Senate Bill No. 138, page 113, by adding a new item to be numbered 41b to read as follows: "Superintendent of construction department, main penitentiary, \$1,500.00 for year ending August 31, 1938, and \$1,500.00 for year ending August 31, 1939."

The amendment was adopted.

Mr. McKinney offered the following amendment to this section of the committee amendment:

Amend Senate Bill No. 138, page 113, line 17, by striking out in each column the figures "\$1,200.00" and

insert in lieu thereof "\$1,500.00" in each column.

McKINNEY,
SMITH of Hopkins,
TENNYSON.

On motion of Mr. Hyder, the amendment was tabled.

Mr. Fielden offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 138, page 119, line 15, Section 82, by striking out figures "\$90,000.00" and inserting in lieu thereof "\$50,000.00".

On motion of Mr. Hyder, the amendment was tabled.

Mr. Hartzog moved that the Rule be suspended for the purpose of making a motion to reconsider the vote by which the House agreed to consider the committee amendment, section by section.

Question recurring on the motion by Mr. Hartzog, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—76

Adkins	Johnson
Alsup	of Tarrant
Bates	Jones of Falls
Blankenship	Keefe
Bradbury	Keith
Bridgers	Kelt
Brown	Kenyon
Burton	Kern
Callan	Langdon
Carssow	Lankford
Celaya	Leath
Cleveland	Leonard
Colquitt	Leyendecker
Davis of Jasper	Little
Davisson	Mann
of Eastland	McDonald
Deglandon	Morris
England	Morse
Fox	Newton
Fuchs	Nicholson
Hamilton	Oliver
Hankamer	Patterson of Mills
Harbin	Powell
Harris of Dallas	Prescott
Hartzog	Reader
Herzik	Reed of Dallas
Holland	Riddle
Huddleston	Rutta
Hull	Schuenemann
Hyder	Settle
Jackson	Shell
James	Smith of Hopkins
Johnson of Ellis	Simpson

Smith	Thornton
of Matagorda	Vale
Smith of Tarrant	Walker
Stevenson	Weldon
Stocks	Westbrook
Tennyson	Worley
Thornberry	

Nays—44

Amos	London
Baker	Lucas
Bell	Mauritz
Broadfoot	Mays
Cathey	McConnell
Cauthorn	McKinney
Davison of Fisher	Moffett
Derden	Monkhouse
Dickison	Palmer
Felty	Patterson
Fielden	of Travis
Gibson	Petsch
Hardin	Quinn
Harrell	Reed of Bowie
Harris of Archer	Rhodes
Harris of Dickens	Roark
Hoskins	Sharpe
Jones of Angelina	Skaggs
Jones of Atascosa	Stinson
Jones of Wise	Tarwater
King	Winfree
Knetsch	Wood
Lanning	

Absent

Alexander	Harper
Beckworth	Howard
Boethel	Loggins
Bond	McCracken
Boyer	McFarland
Cagle	McKee
Dean	Metcalfe
Dollins	Pope
Farmer	Ross
Graves	Sewell
Hanna	Waggoner

Absent—Excused

Bradford	Russell
Davis of Haskell	Talbert
Heflin	Tennant
Ragsdale	

Mr. Reed of Bowie offered the following amendment to the section of the committee amendment relative to the Department of Public Safety:

Amend committee amendment No. 1 to Senate Bill No. 138, page 119, line 37, by striking out the figures "\$5,000.00" and insert in lieu thereof the figures "\$4,000.00".

Mr. Davis of Jasper offered the following substitute for the amendment by Mr. Reed of Bowie:

Amend committee amendment No. 1 to Senate Bill No. 138, page 119, by striking out the figures "\$5,000.00" in columns one and two, line 37, and substitute in lieu thereof the figures "\$4,200.00".

Mr. Blankenship moved the previous question on the pending amendments, and this section of the committee amendment, and the motion was duly seconded.

Mr. McConnell raised a point of order, on consideration of the previous question, at this time, on the ground that there has not been a free and full discussion in accordance with the Constitution.

The Speaker overruled the point of order.

Question recurring on the motion for the main question, it prevailed.

Question first recurring on the substitute amendment by Mr. Davis of Jasper, yeas and nays were demanded.

The substitute amendment was adopted by the following vote:

Yeas—89

Adkins	Hull
Alsup	Hyder
Amos	Jackson
Bates	James
Bell	Johnson of Ellis
Boyer	Johnson
Bradbury	of Tarrant
Broadfoot	Jones of Angelina
Burton	Jones of Falls
Carssow	Jones of Wise
Cauthorn	Keefe
Cleveland	Keith
Colquitt	Kenyon
Davis of Jasper	King
Davison of Fisher	Knetsch
Deglandon	Langdon
Dickison	Lanning
England	Leath
Felty	Leyendecker
Fielden	London
Fox	Lucas
Hamilton	Mann
Hankamer	Mauritz
Hanna	Mays
Harbin	McConnell
Hardin	McDonald
Harper	Moffett
Harris of Archer	Monkhouse
Harris of Dallas	Morris
Harris of Dickens	Newton
Hartzog	Oliver
Herzik	Patterson
Holland	of Travis
Hoskins	Petsch
Huddleston	Pope

Quinn	Skaggs
Reader	Smith
Reed of Dallas	of Matagorda
Riddle	Smith of Tarrant
Roark	Stinson
Rutta	Thornberry
Schuenemann	Thornton
Settle	Vale
Sharpe	Westbrook
Shell	Winfree
Simpson	Wood

Nays—31

Baker	Little
Beckworth	Morse
Blankenship	Nicholson
Boethel	Palmer
Bridgers	Patterson of Mills
Brown	Powell
Callan	Prescott
Cathey	Reed of Bowie
Davisson	Rhodes
of Eastland	Smith of Hopkins
Gibson	Stocks
Harrell	Tarwater
Howard	Tennyson
Kelt	Walker
Kern	Weldon
Lankford	Worley

Absent

Alexander	Leonard
Bond	Loggins
Cagle	McCracken
Celaya	McFarland
Dean	McKee
Derden	McKinney
Dollins	Metcalfe
Farmer	Ross
Fuchs	Sewell
Graves	Stevenson
Jones of Atascosa	Waggoner

Absent—Excused

Bradford	Russell
Davis of Haskell	Talbert
Heflin	Tennant
Ragsdale	

Question then recurring on the amendment, as substituted, it was adopted.

Mr. Thornton offered the following amendment to this section of the committee amendment:

Amend committee amendment to Senate Bill Number 138, by inserting on page 126, between lines ten and eleven, and immediately before the words "Texas Racing Commission" the following:

"There is hereby appropriated out of any funds not already appropriated,

the sum of Twenty Thousand (\$20,000.00) Dollars each year of the biennium beginning September 1, 1937 and ending August 31, 1939, for the use of the Department of Public Safety for the necessary expenses in the administration and enforcement of the provisions of House Bill Number 440, and the said Department of Public Safety is hereby authorized to hire such agents, experts, and inspectors as it deems necessary to insure the adequate administration and enforcement of the provision of said House Bill Number 440, and the said Department of Public Safety may and shall pay the salary of an Assistant Attorney General, to be appointed by the Attorney General of Texas, who shall give his full time to the administration and enforcement of the provisions of House Bill Number 440, being the 'Narcotic Enforcement Act'. It is specifically provided that the appropriation herein made is inclusive of the appropriation made in said House Bill Number 440, and that the amounts herein appropriated are the only sums and amounts to be appropriated to said Department of Public Safety for the ensuing biennium ending August 31, 1939."

THORNTON,
HYDER.

The amendment was adopted.

Mr. Prescott offered the following amendment to the section of the committee amendment relative to the Railroad Commission:

Amend committee amendment No. 1 to Senate Bill No. 138, page 130, line 38, by striking out the figures, "\$4,000.00" and insert in lieu thereof the figures, "\$2,400.00".

PRESCOTT,
HARDIN.

Mr. Reed of Dallas moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—43

Alsup	Celaya
Baker	Cleveland
Bates	Colquitt
Blankenship	Davisson of Fisher
Boethel	Davisson
Bradbury	of Eastland
Carssow	Dickison
Cauthorn	Fox

Graves	Morris
Harris of Dickens	Morse
Holland	Patterson
Huddleston	of Travis
Hull	Petsch
James	Reader
Jones of Falls	Roark
Jones of Wise	Rutta
Keith	Settle
Kenyon	Stocks
Knetsch	Talbert
Langdon	Thornberry
Leyendecker	Thornton
Little	Walker
Mann	

Nays—75

Adkins	Lanning
Amos	London
Beckworth	Lucas
Bell	Mays
Boyer	McConnell
Bridgers	McKinney
Broadfoot	Moffett
Brown	Monkhouse
Burton	Newton
Cagle	Oliver
Callan	Palmer
Cathey	Patterson of Mills
Davis of Jasper	Pope
Deglandon	Powell
Darden	Prescott
England	Quinn
Felty	Reed of Bowie
Fuchs	Reed of Dallas
Gibson	Rhodes
Hamilton	Riddle
Hanna	Schuenemann
Harbin	Sharpe
Hardin	Shell
Harper	Simpson
Harrell	Skaggs
Harris of Archer	Smith of Hopkins
Harris of Dallas	Smith
Hartzog	of Matagorda
Howard	Stevenson
Jackson	Stinson
Johnson of Ellis	Tarwater
Johnson	Tennyson
of Tarrant	Vale
Jones of Angelina	Weldon
Jones of Atascosa	Westbrook
Keefe	Winfree
Kelt	Wood
King	Worley
Lankford	

Absent

Alexander	Herzik
Bond	Hoskins
Dean	Hyder
Dollins	Kern
Farmer	Leath
Fielden	Leonard
Hankamer	Loggins

Mauritz	Nicholson
McCracken	Ross
McDonald	Sewell
McFarland	Smith of Tarrant
McKee	Waggoner
Metcalf	

Absent—Excused

Bradford	Ragsdale
Davis of Haskell	Russell
Heflin	Tennant

Mr. Jones of Wise offered the following substitute for the amendment by Mr. Prescott:

Amend committee amendment No. 1 to Senate Bill No. 138, page 130, line 38, by striking out "\$4,000.00" and inserting "\$3,250.00" in both years.

Mr. Thornton moved to table the substitute amendment by Mr. Jones of Wise.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—69

Baker	Langdon
Bates	Leonard
Bell	Leyendecker
Blankenship	Little
Boyer	London
Bridgers	Mann
Broadfoot	Mays
Callan	McDonald
Carssow	McKinney
Cauthorn	Monkhouse
Celaya	Morris
Colquitt	Morse
Davis of Jasper	Newton
Davison of Fisher	Nicholson
Davison	Patterson of Mills
of Eastland	Patterson
Deglandon	of Travis
Dickison	Petsch
England	Reader
Felty	Reed of Dallas
Graves	Roark
Hankamer	Rutta
Hartzog	Schuenemann
Howard	Settle
Huddleston	Sewell
Hull	Shell
Hyder	Simpson
Jackson	Smith of Hopkins
James	Smith
Johnson	of Matagorda
of Tarrant	Smith of Tarrant
Jones of Angelina	Stinson
Jones of Atascosa	Stocks
Jones of Falls	Thornberry
Keefe	Thornton
Keith	Vale
Kenyon	

Nays—58

Adkins	Jones of Wise
Alexander	Kelt
Alsup	Kern
Amos	King
Beckworth	Knetsch
Boethel	Lankford
Bradbury	Lanning
Brown	Lucas
Burton	Mauritz
Cagle	McConnell
Cathey	Moffett
Cleveland	Oliver
Derden	Palmer
Fielden	Pope
Fox	Powell
Fuchs	Prescott
Gibson	Quinn
Hamilton	Reed of Bowie
Hanna	Rhodes
Harbin	Sharpe
Hardin	Skaggs
Harper	Talbert
Harrell	Tarwater
Harris of Archer	Tennyson
Harris of Dallas	Walker
Harris of Dickens	Weldon
Herzik	Westbrook
Holland	Winfree
Johnson of Ellis	Wood

Absent

Bond	McFarland
Dean	McKee
Dollins	Metcalfe
Farmer	Riddle
Hoskins	Ross
Leath	Stevenson
Loggins	Waggoner
McCracken	Worley

Absent—Excused

Bradford	Ragsdale
Davis of Haskell	Russell
Heflin	Tennant

Mr. Thornton offered the following substitute for the amendment by Mr. Prescott:

Amend committee amendment No. 1 to Senate Bill No. 138, page 130, line 38, by striking out "\$4,000.00" and insert "\$3,600.00".

The substitute amendment was adopted.

Question then recurring on the amendment, as substituted, it was adopted.

Mr. Wood offered the following amendment to the section of the committee amendment relative to the Railroad Commission:

Amend committee amendment No. 1 to Senate Bill No. 138, by changing the figures in line 39, page 127, from "\$6,000.00" to "\$3,000.00", and change the totals to conform.

Mr. Reed of Dallas moved to table the amendment by Mr. Wood.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—80

Alsup	Knetsch
Baker	Lanning
Bates	Leonard
Bell	Leyendecker
Blankenship	Little
Boethel	London
Boyer	Mann
Bradbury	Mays
Bridgers	McConnell
Burton	McDonald
Carsow	Moffett
Cauthorn	Monkhouse
Cleveland	Morris
Colquitt	Morse
Davison of Fisher	Newton
Deglandon	Palmer
Derden	Patterson of Mills
Dickison	Patterson
England	of Travis
Gibson	Petsch
Hamilton	Pope
Hankamer	Quinn
Hardin	Reed of Dallas
Harris of Archer	Riddle
Hartzog	Rutta
Herzik	Schuenemann
Holland	Settle
Howard	Shell
Huddleston	Simpson
Hull	Skaggs
Hyder	Smith of Hopkins
Jackson	Smith
Johnson	of Matagorda
of Tarrant	Stinson
Jones of Angelina	Talbert
Jones of Atascosa	Tarwater
Jones of Falls	Tennyson
Jones of Wise	Thornton
Keefe	Vale
Keith	Walker
Kenyon	Worley
King	

Nays—36

Adkins	Callan
Alexander	Cathey
Amos	Davis of Jasper
Broadfoot	Fielden
Brown	Fuchs
Cagle	Hanna

Harbin	Powell
Harper	Reed of Bowie
Harrell	Rhodes
Harris of Dallas	Roark
James	Sharpe
Johnson of Ellis	Smith of Tarrant
Kelt	Stevenson
Kern	Stocks
Lankford	Weldon
Lucas	Westbrook
Mauritz	Winfree
Oliver	Wood

Absent

Beckworth	Leath
Bond	Loggins
Celaya	McCracken
Davisson	McFarland
of Eastland	McKee
Dean	McKinney
Dollins	Metcalfe
Farmer	Nicholson
Felty	Prescott
Fox	Reader
Graves	Ross
Harris of Dickens	Sewell
Hoskins	Thornberry
Langdon	Waggoner

Absent—Excused

Bradford	Ragsdale
Davis of Haskell	Russell
Heflin	Tennant

Mr. Blankenship moved the previous question on this section of the committee amendment, and the main question was ordered.

Mr. Jones of Atascosa offered the following amendment to the section of the committee amendment relative to the State Reclamation Department:

Amend committee amendment No. 1, Senate Bill No. 138, page 141, after line 22, Subsection 8, by inserting a new section and renumbering accordingly.

"Section 1. There is hereby appropriated from the Treasury of the State of Texas from funds not otherwise appropriated a sum of money not to exceed Forty Thousand and Seven (\$40,007.50) Dollars and Fifty Cents, or as much thereof as may be necessary, for the use of the Nueces River Conservation and Reclamation District, (hereafter called the "District"), to be expended by the district between the dates of the passage of this Act and December 31st, 1937, itemized as follows:

Sec. 2. A sum of money not to exceed Nineteen Thousand One Hun-

dred Twenty (\$19,120.00) Dollars, is hereby allocated from the above appropriation of \$40,007.50 to be used as sponsorship for Federal Works Projects for surveys and improvements, none of the funds herein allotted shall be expended for soil conservation purposes unless the county line boundaries are observed as soil conservation districts, in Medina, Zavalla, and Uvalde Counties, and on and along the Nueces, the Frio, the Sabinal and the Seco Rivers, all within the State of Texas, for the purpose of conserving the waters of said rivers where they traverse the Balcones Fault and the Edwards Limestone formation, which sum of \$19,120.00 is itemized as follows:

a. For labor—a sum of money not to exceed	\$ 4,800.00
b. For professional and technical labor—a sum of money not to exceed	7,200.00
c. For superintendence—a sum of money not to exceed	2,600.00
d. For rentals and materials—a sum of money not to exceed	2,000.00
e. For other direct costs—a sum of money not to exceed	2,520.00

Sec. 3. From the above appropriation of \$40,007.50 there is hereby allocated a sum of money not to exceed Sixteen Thousand Thirty-Seven and 50/100 (\$16,037.50) Dollars, or as much thereof as may be necessary, which shall be used for the payment of salaries of employees of the District, payable in equal monthly installments, as follows:

a. General Manager, not to exceed \$400.00 per month	\$ 3,000.00
b. Assistant Managers—as needed, not to exceed \$300.00 per month	1,500.00
c. Secretary - Treasurer—not to exceed \$250.00 per month	1,875.00
d. Engineers, as needed, none to exceed \$300.00 per month	4,500.00
e. Draftsman, as needed, not to exceed \$150.00 per month	\$1,412.50
f. Stenographers, none to exceed \$125.00 per month	1,875.00
g. Attorneys, as needed, none to exceed \$300.00 per month	1,875.00

Sec. 4. From the above appropriation of \$40,007.50 there is also allocated a sum of money not to exceed Four Thousand Eight Hundred Fifty (\$4,850.00) Dollars or as much thereof as may be necessary, which shall be used for general expenses, itemized as follows:

a. Telephone, Telegraph, Postage, Freight, Express, Office Supplies and Stationary	\$ 1,500.00
b. Traveling expenses for employees and Directors of the District, other than when attending Director's meetings	1,875.00
c. Per Diem for members of the Board of Directors of the District, none to exceed \$5.00 per day	1,000.00
d. Per Diem for Members of the Executive Board of the District, none to exceed \$10.00 per day	500.00

Sec. 5. This appropriation of \$40,007.50 is made with the express understanding that said money is to be returned to the Treasury of the State of Texas by the District out of the first revenues of the District from whatever source derived.

Sec. 6. The above appropriated sums of money shall not exceed \$40,007.50.

Sec. 7. The Nueces River Conservation and Reclamation District having been created by the Forty-fourth Legislature without any appropriation for funds and having completed the preliminary necessary organization and surveys is now ready to function and to proceed immediately with the matching of a Federal appropriation to commence the conserving and preservation of the waters of the Sabinal, Seco, Nueces and Frio Rivers, which waters are now being everlastingly lost and which facts create an emergency and an imperative public necessity for this appropriation.

Total of this appropriation, \$40,007.50.

JONES of Atascosa,
POPE,
MONKHOUSE,
McCRACKEN,
FELTY,
SHELL,
CARSSOW,
DICKISON.

Mr. Jones of Wise offered the following amendment to the amendment by Mr. Jones of Atascosa:

Amend Jones amendment to committee amendment to Senate Bill No. 138, by adding at the end thereof the following:

"The appropriation herein authorized is expressly conditioned upon the granting of assistance by the Federal Government."

The amendment to the amendment was adopted.

Question then recurring on the amendment, as amended, yeas and nays were demanded.

The amendment, as amended, was adopted by the following vote:

Yeas—84

Alexander	Knetsch
Amos	Lanning
Baker	Leonard
Bates	Leyendecker
Bell	Little
Boethel	London
Boyer	Lucas
Bradbury	Mann
Broadfoot	Mauritz
Callan	McConnell
Carssow	McDonald
Cauthorn	McKinney
Celaya	Moffett
Cleveland	Monkhouse
Davisson	Morse
of Eastland	Newton
Derden	Patterson
Dickison	of Travis
Felty	Petsch
Fox	Pope
Gibson	Quinn
Graves	Rhodes
Hamilton	Roark
Hankamer	Ross
Harper	Rutta
Harris of Dallas	Schuenemann
Hartzog	Settle
Herzik	Shell
Holland	Simpson
Hoskins	Smith
Howard	of Matagorda
Huddleston	Smith of Tarrant
Hull	Stevenson
Hyder	Stinson
Jackson	Stocks
Johnson	Talbert
of Tarrant	Tarwater
Jones of Angelina	Thornberry
Jones of Atascosa	Thornton
Jones of Falls	Vale
Keith	Waggoner
Kelt	Weldon
Kenyon	Winfree
King	Worley

Nays—44

Alsup	Johnson of Ellis
Beckworth	Jones of Wise
Blankenship	Keefe
Bridgers	Kern
Brown	Langdon
Burton	Lankford
Cagle	Mays
Cathey	Morris
Colquitt	Oliver
Davis of Jasper	Palmer
Davison of Fisher	Patterson of Mills
Deglandon	Powell
England	Prescott
Fielden	Reed of Bowie
Fuchs	Sewell
Hanna	Sharpe
Harbin	Skaggs
Hardin	Smith of Hopkins
Harrell	Tennyson
Harris of Archer	Walker
Harris of Dickens	Westbrook
James	Wood

Absent

Adkins	McFarland
Bond	McKee
Dean	Metcalfe
Dollins	Nicholson
Farmer	Reader
Leath	Reed of Dallas
Loggins	Riddle
McCracken	

Absent—Excused

Bradford	Ragsdale
Davis of Haskell	Russell
Heflin	Tennant

Mr. Knetsch offered the following amendment to this section of the committee amendment:

Amend Senate Bill No. 138, page 141, by adding between lines 22 and 23 a new item numbered item 9, as follows:

"No. 9. Guadalupe-Blanco River Authority to complete preliminary surveys, the sum of Six Thousand Dollars."

KNETSCH,
BELL.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—90

Alexander	Baker
Alsup	Bates
Amos	Bell

Blankenship

Boethel
Boyer
Bradbury
Broadfoot
Brown
Callan
Carssow
Cauthorn
Celaya
Cleveland
Davisson
of Eastland
Dickison
England
Felty
Fox
Graves
Hamilton
Hankamer
Harbin
Harper
Harris of Dallas
Harris of Dickens
Hartzog
Herzik
Holland
Howard
Hull
Hyder
Jackson
James
Johnson of Ellis
Johnson
of Tarrant
Jones of Angelina
Jones of Atascosa
Jones of Falls
Jones of Wise
Keefe
Keith
Kelt
Kenyon
King

Langdon

Lanning
Leonard
Leyendecker
Little
Lucas
Mann
Mauritz
Mays
McConnell
McDonald
McKinney
Moffett
Morse
Newton
Patterson
of Travis
Petsch
Pope
Prescott
Quinn
Reed of Dallas
Rhodes
Roark
Ross
Rutta
Schuenemann
Settle
Sewell
Shell
Smith
of Matagorda
Smith of Tarrant
Stevenson
Stinson
Stocks
Thornberry
Thornton
Vale
Waggoner
Walker
Weldon
Winfree
Worley

Nays—33

Beckworth	Kern
Bridgers	Lankford
Burton	London
Cagle	Morris
Cathey	Oliver
Colquitt	Palmer
Davis of Jasper	Patterson of Mills
Deglandon	Powell
Derden	Reed of Bowie
Fielden	Sharpe
Fuchs	Skaggs
Gibson	Smith of Hopkins
Hanna	Talbert
Hardin	Tennyson
Harrell	Westbrook
Harris of Archer	Wood
Huddleston	

Absent

Adkins	McCracken
Bond	McFarland
Davison of Fisher	McKee
Dean	Metcalfe
Dollins	Monkhouse
Farmer	Nicholson
Hoskins	Reader
Knetsch	Riddle
Leath	Simpson
Loggins	Tarwater

Absent—Excused

Bradford	Ragsdale
Davis of Haskell	Russell
Heflin	Tennant

Mr. Mays offered the following amendment to the section of the committee amendment relative to the Secretary of State:

Amend committee amendment No. 1 to Senate Bill No. 138, page 143, line 26, item 56, by striking out the figure "5" and inserting in lieu thereof the figure "10", and changing the figures "\$10,500.00" to "\$21,000.00".

**MAYS,
FIELDEN.**

Question recurring on the amendment by Mr. Mays, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—63

Alsup	Jones of Wise
Bates	Keefe
Blankenship	Keith
Broadfoot	Kelt
Cauthorn	Langdon
Celaya	Leonard
Cleveland	Leyendecker
Davis of Jasper	Little
Derden	Lucas
Dickison	Mann
England	Mays
Felty	McConnell
Fielden	Monkhouse
Fuchs	Morris
Gibson	Oliver
Hamilton	Palmer
Harbin	Patterson
Harper	of Travis
Holland	Pope
Hoskins	Powell
Huddleston	Prescott
Hull	Rhodes
James	Roark
Johnson of Ellis	Ross
Johnson	Rutta
of Tarrant	Sewell
Jones of Angelina	Sharpe
Jones of Falls	Skaggs

Simpson	Waggoner
Smith of Hopkins	Weldon
Stocks	Westbrook
Talbert	Winfree
Thornberry	

Nays—59

Alexander	King
Amos	Knetsch
Beckworth	Lankford
Bell	Lanning
Boethel	London
Boyer	Mauritz
Bradbury	McDonald
Bridgers	Moffett
Brown	Morse
Burton	Newton
Cagle	Nicholson
Callan	Patterson of Mills
Carssow	Petsch
Cathey	Quinn
Colquitt	Reed of Bowie
Davison of Fisher	Riddle
Davisson	Schuenemann
of Eastland	Settle
Deglandon	Shell
Graves	Smith
Hankamer	of Matagorda
Hanna	Smith of Tarrant
Hardin	Stinson
Harris of Archer	Tarwater
Harris of Dallas	Tennyson
Harris of Dickens	Thornton
Hartzog	Vale
Howard	Walker
Hyder	Wood
Jackson	Worley
Kern	

Absent

Adkins	Leath
Baker	Loggins
Bond	McCracken
Dean	McFarland
Dollins	McKee
Farmer	McKinney
Fox	Metcalfe
Harrell	Reader
Herzik	Reed of Dallas
Jones of Atascosa	Stevenson
Kenyon	

Absent—Excused

Bradford	Ragsdale
Davis of Haskell	Russell
Heflin	Tennant

Mr. Cagle offered the following amendment to this section of the committee amendment:

Amend committee amendment to Senate Bill No. 138, page 141, line 40, to strike out "Legal Clerk" and substitute therefor "Legal, Notary, and Election Clerk".

Mr. Reed of Dallas offered the following substitute for the amendment by Mr. Cagle:

Amend committee amendment to Senate Bill No. 138, page 141, line 40, by striking out the following: "Legal Clerk, \$1,680.00—\$1,680.00".

The substitute amendment was adopted.

Question then recurring on the amendment, as substituted, it was adopted.

Mr. Fox offered the following amendment to this section of the committee amendment:

Amend committee amendment to Senate Bill No. 138, page 144, by adding the following paragraph after line 8 on said page.

"It is provided that any appropriations made by the Forty-fifth Legislature in Constitutional Amendment resolutions for publishing notices thereof required by law, and for paying the expenses necessary and incident to the submission of such amendments to the qualified voters of the State of Texas at an election for such purpose, together with the unexpended balance of any appropriation or appropriations made by the Forty-fourth Legislature for such purpose, may be lumped by the State Comptroller and Secretary of State and used as though all of such amounts were one appropriation for such purposes."

Mr. Hartzog moved the previous question on the pending amendment and this section of the committee amendment, and the main question was ordered.

Question recurring on the amendment by Mr. Fox, it was adopted.

Mr. Reed of Bowie offered the following amendment to the section of the committee amendment relative to the State Tax Board:

Amend committee amendment No. 1 to Senate Bill No. 138, page 144, line 23, by striking out the figures "\$4,700.00" and insert in lieu thereof the figures "\$4,000.00".

Mr. Hardin offered the following substitute for the amendment by Mr. Reed of Bowie:

Amend Senate Bill No. 138, committee amendment No. 1, page 144, line 23, by striking out the figures "\$4,700.00" and inserting in lieu thereof the figures "\$3,000.00".

Mr. Thornton moved to table the substitute amendment by Mr. Hardin.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—82

Alexander	Langdon
Alsup	Lanning
Baker	Leonard
Bates	London
Bell	Lucas
Blankenship	Mann
Boethel	Mauritz
Boyer	Mays
Bradbury	McConnell
Burton	McDonald
Carssow	Moffett
Cauthorn	Monkhouse
Cleveland	Morris
Colquitt	Morse
Davison of Fisher	Newton
Davison	Palmer
of Eastland	Patterson of Mills
Deglandon	Patterson
Dickison	of Travis
England	Petsch
Fox	Reed of Dallas
Gibson	Roark
Graves	Ross
Hamilton	Rutta
Hanna	Sewell
Harper	Sharpe
Harris of Archer	Simpson
Harris of Dallas	Skaggs
Harris of Dickens	Smith of Hopkins
Herzik	Smith
Holland	of Matagorda
Howard	Stocks
Hyder	Talbert
James	Tarwater
Jones of Angelina	Tennyson
Jones of Falls	Thornberry
Jones of Wise	Thornton
Keefe	Waggoner
Keith	Walker
Kelt	Weldon
Kenyon	Winfree
King	Worley
Knetsch	

Nays—38

Beckworth	Kern
Bridgers	Lankford
Broadfoot	Little
Cagle	McKinney
Callan	Nicholson
Cathey	Oliver
Davis of Jasper	Pope
Derden	Powell
Felty	Prescott
Fuchs	Reed of Bowie
Hankamer	Rhodes
Harbin	Schuenemann
Hardin	Settle
Hartzog	Shell
Huddleston	Smith of Tarrant
Jackson	Stevenson
Johnson of Ellis	Stinson
Johnson	
of Tarrant	

Vale
Westbrook

Wood

Absent

Adkins	Jones of Atascosa
Amos	Leath
Bond	Leyendecker
Brown	Loggins
Celaya	McCracken
Dean	McFarland
Dollins	McKee
Farmer	Metcalf
Fielden	Quinn
Harrell	Reader
Hoskins	Riddle
Hull	

Absent—Excused

Bradford	Ragsdale
Davis of Haskell	Russell
Heflin	Tennant

Mr. Jones of Wise offered the following substitute for the amendment by Mr. Reed of Bowie:

Amend committee amendment No. 1 to Senate Bill No. 138, by striking out page 144, line 23, the figures "\$4,700.00" and substitute in lieu thereof the figures "\$4,400.00" in each year.

Question recurring on the substitute amendment by Mr. Jones of Wise, yeas and nays were demanded.

The substitute amendment was adopted by the following vote:

Yeas—86

Alexander	Graves
Alsup	Hamilton
Amos	Hanna
Baker	Harper
Bates	Harris of Dallas
Bell	Hartzog
Blankenship	Herzik
Boethel	Holland
Boyer	Howard
Bradbury	Huddleston
Bridgers	Hyder
Burton	James
Carssow	Johnson of Ellis
Cauthorn	Jones of Angelina
Celaya	Jones of Atascosa
Cleveland	Jones of Falls
Colquitt	Jones of Wise
Davison of Fisher	Keefe
Davison	Keith
of Eastland	Kenyon
Deglandon	King
Dickison	Knetsch
England	Langdon
Fox	Lanning
Gibson	Leonard

Little	Ross
London	Sewell
Mann	Sharpe
Mauritz	Skaggs
Mays	Simpson
McDonald	Smith of Hopkins
Moffett	Smith
Monkhouse	of Matagorda
Morris	Stocks
Morse	Talbert
Newton	Tarwater
Nicholson	Thornberry
Palmer	Thornton
Patterson of Mills	Vale
Patterson	Waggoner
of Travis	Walker
Petsch	Winfree
Reed of Dallas	Wood
Riddle	Worley
Roark	

Nays—40

Beckworth	Lankford
Broadfoot	Lucas
Cagle	McConnell
Callan	McKinney
Davis of Jasper	Oliver
Derden	Pope
Felty	Powell
Fielden	Prescott
Fuchs	Quinn
Hankamer	Reed of Bowie
Harbin	Rhodes
Hardin	Schuenemann
Harris of Archer	Settle
Harris of Dickens	Shell
Hoskins	Smith of Tarrant
Hull	Stevenson
Jackson	Stinson
Johnson	Tennyson
of Tarrant	Weldon
Kelt	Westbrook
Kern	

Absent

Adkins	Leyendecker
Bond	Loggins
Brown	McCracken
Cathey	McFarland
Dean	McKee
Dollins	Metcalf
Farmer	Reader
Harrell	Rutta
Leath	

Absent—Excused

Bradford	Ragsdale
Davis of Haskell	Russell
Heflin	Tennant

Question then recurring on the amendment, as substituted, it was adopted.

Mr. Leonard moved to suspend the Rule for the purpose of offering cer-

tain amendment to the section of the bill relative to the Commissioner of Agriculture.

The motion prevailed by the following vote:

Nays—94

Alexander	Lanning
Amos	Leonard
Baker	Little
Bates	Lucas
Beckworth	Mann
Bell	Mauritz
Blankenship	Mays
Boethel	McConnell
Boyer	McDonald
Bridgers	McKee
Broadfoot	McKinney
Burton	Moffett
Callan	Monkhouse
Carssow	Morse
Cauthorn	Newton
Celaya	Nicholson
Colquitt	Oliver
Davis of Jasper	Patterson of Mills
Davisson	Patterson
of Eastland	of Travis
Derden	Pope
Dickson	Prescott
Felty	Quinn
Fuchs	Reed of Dallas
Gibson	Rhodes
Hamilton	Riddle
Hankamer	Roark
Hanna	Ross
Harbin	Rutta
Hardin	Schuenemann
Harper	Settle
Harris of Dallas	Sewell
Hartzog	Sharpe
Herzik	Shell
Holland	Simpson
Howard	Skaggs
Huddleston	Smith
Hyder	of Matagorda
James	Stevenson
Johnson of Ellis	Stocks
Johnson	Talbert
of Tarrant	Tarwater
Jones of Atascosa	Thornberry
Jones of Falls	Thornton
Keith	Vale
Kelt	Waggoner
Kenyon	Walker
King	Westbrook
Knetsch	Winfree

Nays—31

Alsup	Degiandon
Bradbury	England
Brown	Fielden
Cagle	Fox
Cleveland	Graves
Davison of Fisher	Harris of Archer

Harris of Dickens	Palmer
Hoskins	Petsch
Jones of Angelina	Powell
Jones of Wise	Reed of Bowie
Keefe	Smith of Tarrant
Kern	Stinson
Langdon	Tennyson
Lankford	Weldon
London	Wood
Morris	

Absent

Adkins	Leath
Bond	Leyendecker
Cathey	Loggins
Dean	McCracken
Dollins	McFarland
Farmer	Metcalfe
Harrell	Reader
Hull	Smith of Hopkins
Jackson	Worley

Absent—Excused

Bradford	Ragsdale
Davis of Haskell	Russell
Heflin	Tennant

Mr. Johnson of Ellis offered the following amendment to the section of the committee amendment relative to the Commissioner of Agriculture:

Amend committee amendment to Senate Bill No. 138, page 8, line 10, by striking out "\$3,600.00" and substitute in lieu thereof the figures "\$4,200.00."

JOHNSON of Ellis,
SEWELL.

The amendment was adopted.

Mr. Leonard moved to reconsider the vote by which the amendment was adopted and to table the motion to reconsider.

The motion to table prevailed.

Mr. Keith moved the previous question on the section of the committee amendment relative to the State Tax Board, and the main question was ordered.

Mr. Hartzog moved that the Rule be suspended, for the purpose of making a motion to reconsider the vote by which the House agreed to consider the committee amendment, section by section, in order that the main question might be ordered on the committee amendment.

The motion prevailed by the following vote:

Yeas—92

Alexander	Amos
Alsup	Baker

Bates	Kern
Bell	King
Blankenship	Knetsch
Boethel	Leonard
Boyer	Little
Bradbury	London
Bridgers	Mauritz
Brown	Mays
Burton	McDonald
Callan	Moffett
Carssow	Monkhouse
Cleveland	Morris
Colquitt	Morse
Davisson	Newton
of Eastland	Nicholson
Dickison	Oliver
England	Palmer
Felty	Patterson of Mills
Fox	Petsch
Fuchs	Powell
Gibson	Prescott
Graves	Reed of Bowie
Hamilton	Rhodes
Hankamer	Rutta
Harbin	Schuenemann
Hardin	Settle
Harris of Archer	Sewell
Harris of Dallas	Shell
Hartzog	Simpson
Herzik	Skaggs
Holland	Smith of Hopkins
Howard	Smith
Huddleston	of Matagorda
Hull	Smith of Tarrant
Jackson	Stocks
James	Tarwater
Johnson of Ellis	Tennyson
Johnson	Thornton
of Tarrant	Vale
Jones of Angelina	Waggoner
Jones of Atascosa	Walker
Jones of Falls	Weldon
Keefe	Westbrook
Keith	Winfree
Kelt	Worley
Kenyon	

Nays—30

Beckworth	Lucas
Broadfoot	McConnell
Cagle	Patterson
Celaya	of Travis
Davis of Jasper	Pope
Davison of Fisher	Quinn
Deglandon	Reed of Dallas
Derden	Riddle
Fielden	Roark
Hanna	Ross
Harris of Dickens	Sharpe
Hyder	Stinson
Jones of Wise	Talbert
Langdon	Thornberry
Lankford	Wood
Lanning	

Present—Not Voting

Harper

Absent

Adkins	Leyendecker
Bond	Loggins
Cathey	Mann
Cauthorn	McCracken
Dean	McFarland
Dollins	McKee
Farmer	McKinney
Harrell	Metcalfe
Hoskins	Reader
Leath	Stevenson

Absent—Excused

Bradford	Ragsdale
Davis of Haskell	Russell
Heflin	Tennant

Mr. Hartzog moved the previous question on the committee amendment and the passage of Senate Bill No. 138 to third reading, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The roll of the House was called, and the vote announced as follows: Yeas, 62; Nays, 61.

A verification of the vote was requested.

(Speaker in the Chair.)

The roll of the "yeas" and "nays" was again called, and the verified vote resulted as follows:

Yeas—64

Alexander	Gibson
Amos	Graves
Bates	Hamilton
Beckworth	Hankamer
Bell	Hanna
Blankenship	Harbin
Bradbury	Hardin
Bridgers	Harris of Archer
Brown	Harris of Dallas
Burton	Hartzog
Cagle	Holland
Callan	Howard
Cathey	Hull
Cleveland	Jackson
Colquitt	Johnson of Ellis
Davisson	Jones of Falls
of Eastland	Keith
Deglandon	Kenyon
Dickison	Kern
England	Knetsch
Felty	London
Fox	Moffett

Morris	Simpson
Nicholson	Skaggs
Oliver	Smith of Hopkins
Patterson of Mills	Smith
Petsch	of Matagorda
Powell	Stocks
Reed of Bowie	Tarwater
Rutta	Tennyson
Schuenemann	Waggoner
Settle	Walker
Shell	Westbrook

Nays—61

Alsup	Lucas
Baker	Mann
Boethel	Mauritz
Boyer	Mays
Broadfoot	McConnell
Carssow	McDonald
Cauthorn	Monkhouse
Celaya	Morse
Davis of Jasper	Newton
Davison of Fisher	Palmer
Derden	Patterson
Fielden	of Travis
Fuchs	Pope
Harper	Prescott
Harris of Dickens	Quinn
Herzik	Reed of Dallas
Hoskins	Rhodes
Huddleston	Riddle
Hyder	Roark
Johnson	Ross
of Tarrant	Sewell
Jones of Angelina	Sharpe
Jones of Atascosa	Smith of Tarrant
Jones of Wise	Stinson
Keefe	Talbert
Kelt	Thornberry
King	Thornton
Langdon	Vale
Lankford	Weldon
Lanning	Winfree
Leonard	Wood
Little	

Absent

Adkins	Loggins
Bond	McCracken
Dean	McFarland
Dollins	McKee
Farmer	McKinney
Harrell	Metcalf
James	Reader
Leath	Stevenson
Leyendecker	Worley

Absent—Excused

Heflin	Ragsdale
Bradford	Russell
Davis of Haskell	Tennant

The Speaker announced that the motion for the main question prevailed.

Mr. Johnson of Ellis moved to reconsider the vote by which the main question was ordered.

Mr. Hartzog moved to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—63

Alexander	Hull
Baker	Jackson
Bell	Jones of Falls
Blankenship	Keith
Bradbury	Kenyon
Bridgers	King
Brown	Knetsch
Burton	Leonard
Cagle	McDonald
Callan	Moffett
Cathey	Morris
Cleveland	Nicholson
Colquitt	Oliver
Davis of Jasper	Patterson of Mills
Davison	Petsch
of Eastland	Powell
Deglandon	Reed of Bowie
Dickson	Ross
England	Rutta
Fielden	Schuenemann
Fox	Settle
Gibson	Shell
Graves	Simpson
Hamilton	Smith of Hopkins
Hanna	Smith
Harbin	of Matagorda
Hardin	Stinson
Harris of Archer	Tarwater
Harris of Dallas	Tennyson
Hartzog	Waggoner
Holland	Walker
Hoskins	Westbrook
Howard	

Nays—60

Alsup	Harris of Dickens
Amos	Herzik
Bates	Huddleston
Beckworth	Hyder
Boethel	Johnson of Ellis
Boyer	Johnson
Broadfoot	of Tarrant
Carssow	Jones of Angelina
Cauthorn	Jones of Wise
Celaya	Keefe
Davison of Fisher	Kelt
Derden	Kern
Felty	Langdon
Fuchs	Lankford
Hankamer	Lanning
Harper	Little

Lucas	Rhodes
Mann	Riddle
Mauritz	Roark
Mays	Sewell
McConnell	Sharpe
McKinney	Skaggs
Monkhouse	Smith of Tarrant
Morse	Stocks
Newton	Talbert
Palmer	Thornberry
Patterson	Thornton
of Travis	Vale
Pope	Weldon
Prescott	Winfree
Reed of Dallas	Wood

Absent

Adkins	Loggins
Bond	London
Dean	McCracken
Dollins	McFarland
Farmer	McKee
Harrell	Metcalfe
James	Quinn
Jones of Atascosa	Reader
Leath	Stevenson
Leyendecker	Worley

Absent—Excused

Bradford	Ragsdale
Davis of Haskell	Russell
Heflin	Tennant

Question then recurring on the committee amendment, as amended, it was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Mr. Hyder asked unanimous consent of the House that the totals in the bill be changed to conform to all changes made in the body of the bill.

There was no objection offered, and it was so ordered.

Mr. Alsup (by unanimous consent), offered the following amendment to the section of the committee amendment relative to the Lower Colorado River Valley Authority:

Amend committee amendment to Senate Bill No. 138, by adding after the word "employees", line 14, page 154, the following: "whether paid by the hour or month".

The amendment was adopted

Mr. Pope (by unanimous consent), offered the following amendment to the section of the committee amendment relative to Texas State Parks Board:

Amend committee amendments to Senate Bill No. 138, by adding between lines 23 and 24, page 111, the following:

"12. Lapantitlan Park for upkeep and maintenance for the year ending August 31st, 1938, \$120.00, and for the year ending August 31st, 1939, \$120.00. (This park is to be fenced and the road thereto built and maintained as an all weather road by the Commissioners Court of Nueces County. Historical monument in said park is now under construction from Centennial funds. This park with road thereto from State highway was at the request of the Nueces County Centennial Committee given to the Texas State Parks Board by the J. C. Bluntzer Estate.)"

The amendment was adopted.

Mr. Boyer (by unanimous consent), offered the following amendment to the section of the committee amendment relative to Texas State Parks Board:

Amend committee amendment No. 1 to Senate Bill Number 138, by adding after line 23, page 111, the following:

"13. Ochiltree State Park for upkeep and maintenance for year ending August 31st, 1938, Two Hundred and Fifty (\$250.00) Dollars, and for the year ending August 31st, 1939, Two Hundred and Fifty (\$250.00) Dollars."

The amendment was adopted.

Senate Bill No. 138 was then passed to third reading.

SENATE BILL NO. 138 ON THIRD READING

Mr. Thornton moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 138 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—115

Alexander	Burton
Alsup	Cagle
Amos	Callan
Baker	Carssow
Bates	Cathey
Beckworth	Cauthorn
Bell	Celaya
Blankenship	Cleveland
Boethel	Colquitt
Boyer	Davis of Jasper
Bradbury	Davison of Fisher
Bridgers	Davisson
Brown	of Eastland

Deglandon	Langdon	Stevenson	Thornton
Derden	Lanning	Stinson	Vale
Dickison	Leonard	Stocks	Waggoner
England	Little	Talbert	Walker
Farmer	Mann	Tarwater	Weldon
Felty	Mauritz	Tennyson	Winfree
Fielden	Mays	Thornberry	Wood
Fox	McConnell	Nays—10	
Fuchs	McDonald	Harris of Archer	Nicholson
Gibson	Metcalf	Keefe	Patterson
Graves	Moffett	Kern	of Travis
Hamilton	Monkhouse	Lankford	Rhodes
Hankamer	Morris	London	Westbrook
Hanna	Morse	Lucas	Absent
Harbin	Newton	Adkins	
Hardin	Oliver	Bond	Leyendecker
Harper	Palmer	Broadfoot	Loggins
Harris of Dallas	Patterson of Mills	Dean	McCracken
Harris of Dickens	Petsch	Dollins	McFarland
Hartzog	Pope	Harrell	McKee
Herzik	Powell	Hoskins	McKinney
Holland	Prescott	Jackson	Reader
Howard	Quinn	Leath	Russell
Huddleston	Reed of Bowie	Absent—Excused	
Hull	Reed of Dallas	Bradford	Ragsdale
Hyder	Riddle	Davis of Haskell	Ross
James	Roark	Heflin	Tennant
Johnson of Ellis	Rutta	The Speaker then laid Senate Bill No. 138 before the House on third reading and final passage.	
Johnson of Tarrant	Schuenemann		
Jones of Angelina	Settle	The bill was read third time.	
Jones of Atascosa	Sewell		
Jones of Falls	Sharpe	Mr. Davison of Fisher offered the following amendment to the bill: Amend Senate Bill No. 138, by adding a new section between lines 29 and 30 on page 111 to read as follows:	
Jones of Wise	Shell		
Keith	Simpson		
Kelt	Skaggs		
Kenyon	Smith of Hopkins		
King	Smith		
Knetsch	of Matagorda		
	Smith of Tarrant		

THE TEXAS PLANNING BOARD

Salaries			
1. Director	\$ 4,000.00	\$ 4,000.00	
2. Chief Clerk and Attorney	1,800.00	1,800.00	
3. Secretary to Director	1,400.00	1,400.00	
4. Stenographers, two at \$1,350.00 each	2,700.00	2,700.00	
5. Engineering, Technical and Professional Statisticians, Three at \$225.00 per month each	2,400.00	2,400.00	
6. Engineering, Technical and Professional Assistant, at \$150.00 per month each	1,800.00	1,800.00	
7. Class "A" Draftsmen, two at \$150.00 per month each	1,800.00	1,800.00	
8. Agricultural, Industrial and Engineering Research	5,000.00	5,000.00	
Maintenance and Miscellaneous:			
9. Office and technical equipment and supplies, printing, stationery, maps, blueprints, books and office rent and miscellaneous items	\$ 1,000.00	\$ 1,000.00	
10. Freight, postage, express, telephone, telegraph, rental on office equipment, and contingent expense	500.00	500.00	
11. Traveling expenses of Board members, Committee members and employees	1,000.00	1,000.00	
Total, The Texas Planning Board	\$23,400.00	\$23,400.00	

The Texas Planning Board shall expire on August 31, 1939, at which time all papers, documents, and records pertaining to its official actions shall be placed in a file for that purpose to be kept in the office of the Secretary of State as a part of the permanent official records of the State of Texas.

DAVISON of Fisher,
ROARK,
LANGDON,
DICKISON,
VALE,
FELTY,
McCRACKEN,
KNETSCH,
McKEE.

The amendment was lost.

Mr. Hanna moved the previous question on the final passage of Senate Bill No. 138, and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost.

Mr. Reed of Bowie moved that the House adjourn until 10:00 o'clock a. m., Tuesday.

The motion was lost.

Mr. McConnell offered the following amendment to the bill:

Amend Senate Bill No. 138, by inserting "\$8,500.00" in line 10, page 5, where the figures "\$9,000.00" were cut out by the Prescott and Hardin amendment.

Mr. Prescott offered the following substitute for the amendment by Mr. McConnell:

Substitute for McConnell amendment: Place in lieu of "\$8,500.00" the figures "\$8,999.50".

The amendment was adopted.

Question recurring on the amendment, as substituted, it was adopted.

Mr. Hartzog moved the previous question on the passage of Senate Bill No. 138, and the main question was ordered.

Senate Bill No. 138 was then passed by the following vote:

Yeas—79

Alexander	Bridgers
Alsup	Burton
Baker	Callan
Bates	Carssow
Bell	Cathey
Blankenship	Cauthorn
Boethel	Celaya
Boyer	Cleveland

Colquitt
Davisson
of Eastland
Deglandon
Derden
Dickison
England
Feltz
Fox
Fuchs
Graves
Hamilton
Hankamer
Hanna
Harbin
Harper
Harris of Dallas
Harris of Dickens
Hartzog
Holland
Hoskins
Howard
Huddleston
Hyder
Jackson
James
Jones of Angelina
Jones of Falls
Keith
Leonard
Little
Mann
McConnell

McDonald
Monkhouse
Morse
Newton
Oliver
Palmer
Patterson
of Travis
Pope
Powell
Reed of Dallas
Riddle
Ross
Rutta
Schuenemann
Settle
Sewell
Shell
Simpson
Smith
of Matagorda
Smith of Tarrant
Stevenson
Stocks
Talbert
Tarwater
Thornberry
Thornton
Vale
Waggoner
Walker
Weldon
Winfree

Nays—47

Amos	Lankford
Beckworth	Lanning
Bradbury	London
Broadfoot	Lucas
Brown	Mauritz
Cagle	Mays
Davis of Jasper	Metcalfe
Fielden	Moffett
Gibson	Morris
Hardin	Nicholson
Harris of Archer	Patterson of Mills
Herzik	Petsch
Hull	Prescott
Johnson of Ellis	Reed of Bowie
Johnson	Rhodes
of Tarrant	Roark
Jones of Wise	Sharpe
Keefe	Skaggs
Kelt	Smith of Hopkins
Kenyon	Stinson
Kern	Tennyson
King	Westbrook
Knetsch	Wood
Langdon	Worley

Absent

Adkins	Dean
Bond	Dollins
Davison of Fisher	Farmer

Harrell	McFarland
Jones of Atascosa	McKee
Leath	McKinney
Leyendecker	Quinn
Loggins	Reader
McCracken	

Absent—Excused

Bradford	Ragsdale
Davis of Haskell	Russell
Heflin	Tennant

REASON FOR VOTE

I voted "Nay" on final passage of Committee Amendment No. 1 to Senate Bill No. 138, the Departmental Appropriation Bill, for the following reason: "It increases the cost of government of this State approximately \$4,000,000.00 for the next biennium by raising the salaries of those in the high brackets and unnecessary appropriations thereby increases the burden of the taxpayers of this State."

REED of Bowie.

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 164

Mr. Davisson of Eastland submitted the following Conference Committee Report on Senate Bill No. 164:

Committee Room,

Austin, Texas, May 14, 1937.

Honorable Walter F. Woodul, President of the Senate.

Honorable Robert W. Calvert, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the two Houses on Senate Bill No. 164, have had the same under consideration, and beg to recommend that the bill pass in the form attached hereto.

COLLIE,
COTTEN,
HILL,
SHIVERS,
SPEARS,

On the part of the Senate.

McCONNELL,
ROSS,
DAVISSON
of Eastland,
HUDDLESTON,
AMOS.

On the part of the House.

S. B. No. 164,

A BILL
To Be Entitled

An Act to amend Articles 5483 and 5486, Chapter 5, Title 90, of Re-

vised Civil Statutes of 1925, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. That Article 5483, Chapter 5, Title 90, of Revised Civil Statutes of 1925 be so amended as to hereafter read as follows:

"Article 5483. Whenever any clerk, accountant, bookkeeper, waiter, waitress, cook, maid, porter, servant, employee, artisan, craftsman, factory operator, mill operator, mechanic, quarryman, common laborer, farm hand, male or female, may labor or perform any service in any office, store, hotel, rooming house, boarding house, restaurant, cafe, shop, factory, mine, quarry or mill of any character, or perform any service in the cutting, preparation, hauling, handling, or transporting to any mill or other point for sale, manufacture or other disposition, logs or timber, or perform any service upon any wagon, cart, tram, or railroad, or other means or methods of transporting such logs or timber, and in the construction or maintenance of such tram or railroad, constructed or used for the transportation of logs or timber to or for such mills to its owner or operator, or to points for sale, shipment or other disposition, or any farm hands, under or by virtue of any contract or agreement, written or verbal, with any person, employer, firm or corporation, or his, her, or their agent, receiver or trustee, in order to secure the payment of the amount due or owing under such contract or agreement, written or verbal, the hereinabove mentioned employees shall have a first lien upon all products, machinery, tools, fixtures, appurtenances, goods, wares, merchandise, chattels, wagons, carts, tram roads, railroads, rolling stock and appurtenances, or things of value of whatsoever character that may be created in whole or in part by the labor or that may be used or useful by such person or persons or necessarily connected with the performance of such labor or service, which may be owned by or in the possession or under the control of the aforesaid employer, person, firm, corporation, or his or their agent or agents, receiver or receivers, trustee or trustees; provided, that the lien herein given to a farm hand shall be subordinate to the landlord's lien provided by law."

Sec. 2. That Article 5486, Chapter

5, Title 90, of the Revised Civil Statutes of 1925 be so amended as to hereafter read as follows:

"Article 5486. Whenever any person, employer, firm, corporation, his, her or their agent or agents, receiver or receivers, trustee or trustees, shall fail or refuse to make payments as hereinafter prescribed in this law, the said clerk, accountant, bookkeeper, waiter, waitress, cook, maid, porter, servant, employee, farm hand, artisan, craftsman, operative, mechanic, quarryman, or laborer, who shall have performed service of any character, shall make or have made duplicate accounts of such service, with amount due him or her for the same, and present, or have presented, to aforesaid employer, person, firm or corporation, his, her, or their agent or agents, receiver or receivers, trustee or trustees, one of the aforesaid duplicate accounts within thirty (30) days after the said indebtedness shall have accrued. The other of the said duplicate accounts shall, within the time hereinbefore prescribed, be filed with the county clerk of the county in which said service was rendered, and shall be recorded by the county clerk in a book kept for that purpose. The party or parties presenting the aforesaid account shall make affidavit as to the correctness of the same. A compliance with the foregoing requirements in this Article shall be necessary to fix and preserve the lien given under this law; and the liens of different persons shall take precedence in the order in which they are filed; provided, that all persons claiming the benefit of this law shall have six months within which to bring suit to foreclose the aforesaid lien; and provided, further, that a substantial compliance with the provisions of this Article shall be deemed sufficient diligence to fix and secure the lien hereinbefore given; provided, that any purchaser of such products from the owner thereof shall acquire a good title thereto, unless he has at the time of the purchase actual or constructive notice of the claim of such lienholder upon such products, said constructive notice to be given by record of such claim, as provided for in this law, or by suit filed."

Sec. 3. The fact that the present law discriminates between employees of hotels and restaurants, and that employees in restaurants are not protected by lien for wages under present

statute, and the importance of this legislation, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and said Rule is hereby suspended, and this Act shall be in force and take effect from and after its passage, and it is so enacted.

On motion of Mr. Davisson of Eastland, the report was adopted by the following vote:

Yeas—114

Adkins	Jones of Angelina
Alsup	Jones of Atascosa
Amos	Jones of Falls
Bates	Jones of Wise
Bell	Keefe
Blankenship	Keith
Boethel	Kelt
Bradbury	Kenyon
Bridgers	King
Brown	Knetsch
Burton	Langdon
Callan	Lankford
Carssow	Lanning
Cathey	Leath
Cauthorn	Leonard
Cleveland	Leyendecker
Colquitt	Little
Davis of Jasper	London
Davison of Fisher	Lucas
Davisson	Mann
of Eastland	Mauritz
Deglandon	Mays
Derden	McConnell
Dickison	McDonald
England	Moffett
Felty	Monkhouse
Fielden	Morris
Fox	Morse
Fuchs	Newton
Gibson	Nicholson
Hamilton	Oliver
Hankamer	Palmer
Harbin	Patterson of Mills
Hardin	Patterson
Harper	of Travis
Harrell	Petsch
Harris of Archer	Pope
Harris of Dallas	Prescott
Harris of Dickens	Quinn
Hartzog	Reader
Holland	Reed of Bowie
Hoskins	Rhodes
Howard	Riddle
Huddleston	Roark
Hull	Rutta
Hyder	Schuenemann
Jackson	Settle
James	Sewell
Johnson of Ellis	Sharpe
Johnson	Shell
of Tarrant	Simpson

Smith of Hopkins	Thornberry
Smith	Thornton
of Matagorda	Vale
Smith of Tarrant	Walker
Stinson	Weldon
Stocks	Winfree
Tarwater	Wood
Tennyson	Worley

Present—Not Voting

Powell	Westbrook
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Absent

Alexander	Herzik
Baker	Kern
Beckworth	Loggins
Bond	McCracken
Boyer	McFarland
Broadfoot	McKee
Cagle	McKinney
Celaya	Metcalf
Dean	Reed of Dallas
Dollins	Ross
Farmer	Skaggs
Graves	Stevenson
Hanna	Waggoner

Absent—Excused

Bradford	Russell
Davis of Haskell	Talbert
Heflin	Tennant
Ragsdale	

CONFERENCE COMMITTEE APPOINTED ON HOUSE BILL NO. 5

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on House Bill No. 5:

Messrs. Morse, Harris of Dallas, Moffett, Worley and Keith.

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

H. B. No. 705, "An Act providing for the jurisdiction of the County Court of Crosby County, conferring upon said Court civil and criminal jurisdiction and increasing the criminal and civil jurisdiction of said Court; conforming the jurisdiction of the District and Justice Courts of said County to such change; repealing all laws in conflict with this Act, and declaring an emergency."

H. B. No. 645, "An Act to better safeguard the health of

the people of the State of Texas by making it unlawful to serve food in improperly cleaned or unsterilized dishes or utensils; and providing rules for cleaning and sterilizing dishes or utensils; and prohibiting the use of cracked or broken dishes and utensils and unlaundered napkins and unprotected napkins, straws and other articles commonly used in eating and drinking; . . . etc., and declaring an emergency."

H. B. No. 352, "An Act to provide for the inspection of steam boilers; defining certain terms; requiring a permit to operate; exempting certain boilers from the provisions of the Act; providing for appointment of a Boiler Inspector and Deputies; providing for promulgation of rules and regulations by the Commissioner of Labor covering the inspection and operation of steam boilers; providing for certain hearings; providing for collection of fees for boiler inspection; providing for publications of rules and regulations; providing for penalties for failure to comply with the provisions of this Act and rules enacted pursuant thereto; for injunction after notice against violators; providing for clerical assistants and supplies; fixing salaries and creating a 'Special Boiler Inspection Fund'; making an appropriation out of the General Revenue Fund; providing a saving clause, and declaring an emergency."

H. B. No. 1141, "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits two counties or portions thereof one of which counties, according to the latest Federal Census, had a population of not fewer than fifteen thousand, one hundred and forty (15,140) and not more than fifteen thousand, one hundred and sixty (15,160) inhabitants, whether organized under General or Special Laws; repealing all laws in conflict herewith, both General and Special, and declaring an emergency."

H. B. No. 1178, "An Act to provide for the creation of corporations for the purpose of dealing in, buying and selling, preparing for market and preserving and canning, fruits, fruit juices and vegetables produced in the United States and enumerating the power and authority of such corporations; providing for the creation of corporations for the purpose of own-

ing and operating aeroplanes and all other flying machines to be used in spraying orchards and crops with insecticides; providing for other rights and powers of such corporations, including the right to buy and sell insecticides and the right to acquire and maintain necessary starting and lighting grounds and fields and workshops; providing that this Act shall be cumulative of other Acts creating purposes for which corporations may be formed, and declaring an emergency."

H. B. No. 1052, "An Act amending Section 13 of Chapter 42, page 49, Acts of the Regular Session of the Forty-third Legislature; amending said Section 13 of Chapter 42, with reference to salary to be paid the Judge of the County Court of Jefferson County at Law; repealing all laws, or parts of laws, in conflict herewith, and declaring an emergency."

H. B. No. 1177, "An Act to amend Article 879g of the Penal Code of Texas by excluding Polk County, Texas, from the terms thereof, with respect to closed season on hunting, killing or taking wild bear, and declaring an emergency."

H. B. No. 561, "An Act to define and fix the limits and jurisdiction of the Nineteenth, Fifty-fourth and Seventy-fourth District Courts and to provide for the terms thereof and the procedure to be followed therein in certain particulars; to provide for the judges of said Courts to exchange benches, authorizing either of said judges to sit in either of said Courts; authorizing the transfer of a case from either of said Courts to another one thereof; to provide for the filing of pleadings in said Courts in duplicate and for the safe keeping and withdrawal of the original copy of the pleading so filed upon proper showing; to provide for and limit the filing of motions and amended motions for new trial in said Courts; and providing that if any part of this Act is held unconstitutional, the valid portion of the same was intended to be enacted."

H. B. No. 1174, "An Act making it lawful to catch fish with hooks, traps, seines, and nets in the waters of Red River in Fannin, Cooke, Grayson, Lamar, Red River and Bowie Counties, and declaring an emergency."

H. B. No. 1164, "An Act validating,

ratifying, approving and confirming bonds and other instruments or obligation heretofore issued by water control and improvement districts, water improvement districts, irrigation districts, conservation and reclamation districts, navigation districts, road districts, school districts, counties, cities, or incorporated towns of this State for public works projects, ratifying and validating the establishment and creation of such districts, cities and towns, and declaring an emergency."

H. B. No. 909, "An Act changing the name of the State Home for Dependent and Neglected Children to be hereafter known as Waco State Home, and creating an emergency."

ADJOURNMENT

On motion of Mr. Hartzog, the House, at 12:30 o'clock a. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, May 17, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 140, Instructing the Enrolling Clerk of the House to make certain changes in House Bill No. 113.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, May 17, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 16, "An Act to add new Sections to be known as Sections 6-A, 8-A, 8-B, 8-C, 9-A, 9-B, 9-C, 16-A, 16-B, 16-C, 16-D, 19-A, 19-B, 19-C, 19-D, and 19-E to, and to amend Sections 1, 7, 11, 15, and 17 of Senate

Bill No. 15, Chapter 466, page 1785, of the General and Special Laws passed by the Second Called Session of the Forty-fourth Legislature of the State of Texas, which Act relates to the examination of applicants for operators' or chauffeurs' licenses; providing for certain exemptions; relating to the issuance of licenses and renewals; relating to the definition of chauffeurs and to the definition of a school bus; providing for the issuance of restricted licenses; providing for notice of change of address or name; providing for records to be kept by the Department; providing authority of the Department to cancel license, suspend privileges of nonresidents and report convictions and to suspend resident's license upon conviction in another State; providing for authority of Department to suspend or revoke license after preliminary hearing; providing for notice to licensee; providing for time, place, and manner of holding hearings; prescribing cause for which license may be revoked; providing for the period of suspension or revocation and the surrender and return of license and badge; prohibiting the operation of motor vehicle under foreign license during suspension or revocation in this State; prohibiting the driving of motor vehicle while license or privilege is cancelled, suspended, or revoked; and making it unlawful to commit certain other acts; providing for the collection of fees and the disposition of same; providing for the Department of Public Safety to conduct examination of applicants; providing for Court to forward license to Department and report convictions and defining 'conviction'; providing for the right of appeal to Courts when license denied or cancelled, suspended or revoked by Department except where such cancellation or revocation is mandatory; repealing all laws or parts of laws in conflict herewith; providing a saving clause, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 17, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 132, "An Act amending Section 3 of Article 1108, Chapter 10, Title 28, Revised Civil Statutes of

Texas, 1925, as amended by Chapter 207, page 496 of the General and Special Laws passed by the Regular Session of the Forty-fourth Legislature, so as to allow cities and towns to extend the lines of their water, gas, sewer, or electric light and power systems outside of the limits of such cities or towns and to sell the privilege or services thereof to persons or corporations, or to permit them to connect therewith, provided that no electric lines shall be extended into the corporate limits of another incorporated town or city, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 17, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1050, "An Act providing relief for the common and independent school districts of Sabine County, Texas, made necessary by reason of the fact that the Federal Government has purchased over seventy (70) per cent of the land in said County thereby taking off the tax rolls of such districts a major portion of the taxable valuation; making an appropriation for said districts in said County to enable them to continue their program of education; providing how money shall be paid, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 17, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 873, "An Act making an emergency appropriation for the Leon River Conservation Project to be repaid out of the first moneys received, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 17, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1025, "An Act providing

relief for the Centerville Consolidated School District No. 42 of Trinity County, Texas, in order to aid said School District in constructing, repairing, rehabilitating, and equipping its school building which was destroyed by fire on the 15th day of October, 1936; making an appropriation to said District for said property; providing none of the funds to be used to purchase maps, charts, or library equipment; providing how money may be paid, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 17, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 134, Instructing the Enrolling Clerk of the House to make certain changes in the caption of House Bill No. 352.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 17, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 76, "An Act amending Article 4667 of Title 76 of the Revised Civil Statutes of the State of Texas, 1925, and authorizing any citizen of the State of Texas to sue for injunction against bullfighting, in addition to the present authorization therefor by the Attorney General or any District or County Attorney, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 17, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 102, Commending the First Voters League of Texas for its

worthy and necessary service to the cause of good government.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 17, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 135, Instructing the Enrolling Clerk of the House to make certain corrections in House Bill No. 1135.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 17, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 130, Granting Henderson County the right to use certain equipment owned by the State Highway Department.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

BILLS AND RESOLUTIONS SENT TO THE GOVERNOR

May 15, 1937

House Joint Resolution No. 26.

House Joint Resolution No. 26-A.

May 17, 1937

House Bill No. 132.

House Bill No. 16.

House Bill No. 105.

House Bill No. 713.

House Bill No. 727.

House Bill No. 982.

House Bill No. 1002.

House Bill No. 1049.

House Bill No. 1081.

House Bill No. 1100.

House Bill No. 1103.

House Concurrent Resolution No. 82.